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EARLY HISTORY

—OF—

VERMONT.

BY LA FAYETTE WILBUR,

OF JERICHO, VT.

VOLUME III.

"Great things thro' greatest hazards, are achieved,
And then they shine."

JERICHO, VT.
ROSCOE PRINTING HOUSE.
1902.

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LAFAYETTE WILBUR,

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'Twas blow for blow, disputing inch by inch,
For one would not retreat nor t'other flinch.—*Byron.*

Now no more the drum
Provokes to arms, or trumpet's clangour shrill
Affrights the wives, or chills the virgin's blood:
But joy and pleasure open to the view
Uninterrupted —*Philips.*

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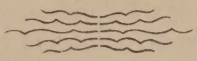
PREFACE.



In continuing the Early History of Vermont in this third volume, we pass for a time from the consideration of war and from the troublesome scenes of Vermont's early settlers, and the struggles incident to pioneer life, to the consideration of the arts of peace. When the controversy of New York had ceased and an amicable adjustment of the subjects of contention, that have been so fully portrayed in the preceding volumes, had been reached, the leading minds of the State at once began to inquire what should be done to advance the interests of the young and growing State, that it might take a position of influence among the Federal States of the Union, and that her people might keep pace with the advancing state of civilization. The leading men of Vermont during the time of the struggle for an independent position, showed they were persons of courage and ability with practical experience, and equal to any men of the nation in managing the affairs of the State and fostering her material interests. Vermont being an inland State, the attention of her citizens were turned to the subject of increasing facilities of communication in the State, and the improvement of her water-ways, not only within the State, but to establish facilities of communication with other States and foreign nations. These

subjects and internal improvements generally are considered in Chapter I.

Many years after the Revolution had closed, General Lafayette, who did so much to enable the American Colonies to establish their independence, visited America and paid a visit to Vermont. The subject of his visit, and also the visit of President Monroe and Henry Clay to Vermont, are considered in Chapter II. The unfriendly conduct of the British towards the United States, undoubtedly, growing out of the loss of the Colonies to them, causing disturbance on the Northern Frontier, claims the attention of the reader in Chapter III.

The Internal affairs of the State and of the United States, so far as they concern Vermont, are considered in Chapters IV., V., and VI. The causes of the second war with Great Britain and the history of that war, so far as it affected our State, are considered in Chapter VII., VIII., and IX.

There were but few Indians who made the wilderness of Vermont their place of abode; they used the lands of Vermont as their hunting grounds, but from 1798, until 1874, from time to time they persistently urged the Vermont Legislature to grant them compensation for their hunting grounds. These claims are considered in Chapter X.

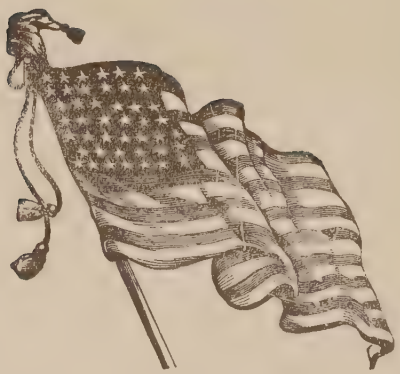
The place of holding the Sessions of the Legislature, the description of the Capitol buildings, Library and Supreme Court rooms are given in Chapter XI.

In the two following Chapters, the sketches of the lives of the early Vermonters, commenced in the

second volume, are continued. The description of these characters show that many of the early settlers in Vermont were men of more than common courage, ability, and unswerving patriotism. The last Chapter gives a further list of State officials. When one looks back and studies the lives of those who were prominently instrumental in establishing Vermont's independence, and then making her one of the States of the American Union, and aiding in developing her resources and making her second to no other State, in proportion to her population and size, every citizen of the State may well feel proud of Vermont and her pioneers.

LAFAYETTE WILBUR.

Jericho, Vt., January 1, 1902.



He lives in fame that died in virtue's cause.

ERRATA.

On page 8, line 14, word "ertificate" should read "certificate"

On page 47, line 1, word "horses" should read "shores."

On page 74, line 8, name "Edward" should read "Lewis."

On page 114, line 2, word "era" should read "area."

On page 161, line 25, word "branch" should follow "each."

On page 194, line 1, word "were" should read "was."

On page 238, line 13, word "minutable" should read "immutable."

On page 250, line 14, word "silence" should read "silencing."

On page 259, line 10, word "partis" should read "parties."

On page 264, line 20, letters "ce" should be joined with "for" in same line.

On page 314, last line, the date "1768" should read "1798."

On page 373, in line 8 from bottom, "principles" should read "principals."

On page 384, "+ resigned November, 1890" should be erased.

☞ On page 382 of Volume II. in line 6 from the bottom, the name "Bennington" should read "Brattleboro."

Oh, peace! thou source and soul of social life;
Beneath whose calm, inspiring influence
Science his view enlarges, Art refines,
And swelling Commerce opens all her ports;
Blest be the man divine who gave us thee!– *Thomson.*

"Breathes there a man with soul so dead,
Who never to himself hath said—
This is my own—my native land!"

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CHAPTER I.

INTERNAL IMPROVEMENTS.

ON the admission of Vermont as one of the members of the Federal Union, the calamities of war and warlike preparation and the excitement of controversy, had passed, which was welcome, and propitious to the pursuit of private business and the prosecution of public concerns. The State government was placed in the hands of men whose talents and virtues the people had the utmost confidence in—the control of men of undoubted courage and capacity. Governor Chittenden, as a magistrate and as a man, had long been endeared to the people of the State, and his characteristics were such as a new State required. The great need for the security and advancement of the people was the improvement of the natural and civil advantages which were already in their possession. The resources of the State were to be developed. New towns were to be granted, roads to be laid out and worked, manufactures and commerce to be fostered, and schools and learning encouraged. Were the people equal to the task? A disinterested Virginian, who visited Vermont in the summer of 1791, wrote to a friend in Bennington in September of that year and gave a description of Vermont and its people, as follows, viz:—

"Before I left Virginia, I had conceived but a very indifferent opinion of the Northern States, and especially of the State of Vermont. I had formed the idea of a rough barren country, inhabited by a fierce, uncivilized, and very unpolished people. I made my tour up Connecticut River, east of the Green Mountains, near the northern boundary of your State, and returned on the western side, by the lake, through Bennington. I must confess I was surprised and astonished beyond measure, to find a fertile, luxuriant soil, cultivated by a virtuous, industrious and civilized set of inhabitants; many of whom lived in taste and elegance, and appeared not unacquainted with the polite arts. The rapid progress in population and improvement, and the many surprising incidents that have taken place since the short period of your existence as a State, will furnish material for some able historian, to give the world a history that shall be both entertaining and instructive."

This writer might have also, in truth, referred to extraordinary opportunity of extending and developing her manufacturing interests by reason of her water power facilities along her rivers. The attention of Ira Allen, Levi Allen, and other leading Vermonters was early turned toward the project of improving the waterway between Lake Champlain and the river St. Lawrence by cutting a canal. It is stated in Ira Allen's history of Vermont that Lake Champlain is a noble sheet of water and so deep that ships of war have sailed in it. It is sprinkled with many beautiful, fertile and well

inhabited isles, but it is to be lamented that the wealth of its waves should be merely confined to the fishermen, when they might be converted to the noblest purposes of trade and useful navigation, for the mutual benefit of millions, by a navigable cut to the river St. Lawrence. In consequence of an application made by Ira Allen of this State to Governor Haldimand, Governor of Canada, in 1784 and 1785, General Haldimand thought so highly of the proposition that he appointed Captain Twist, the engineer of that province, to make a survey and estimate the expense of the canal. The captain began his survey at the rapids of St. Johns and carried it on along the side of the river Sorel to Chamblee. His estimate of the expense sufficient to bear vessels of two hundred tons burthen was £27,000 sterling. He said it was impossible to calculate the advantages of the undertaking in a commercial point of view; such an undertaking would promote agriculture, population, arts, manufactures, handicrafts, and all the business of a civilized State.

Ira Allen, in an interview with his Grace, the Duke of Portland, laid down the advantages that would mutually result to the two countries, if such a communication should be carried into effect, but his Grace objected to his government paying any share of the expenses. He expressed a readiness to receive, and to consider proposals for carrying the project into execution. Allen offered to cut the canal at his own expense on condition that he should be secured for the money expended by an order from government by the assignment

of a tonnage on vessels navigating the lake; and that shipping built in the lake by the citizens of Vermont, should be permitted to pass to and from the open sea, paying such tonnage as may be deemed reasonable on passing Quebec; that the manufactures, raw material, and produce of Vermont, should be permitted to pass to the open sea; and that the manufactures, etc., of Great Britain should be permitted to be imported or exported in the shipping of Vermont, free, by Act of Parliament or the Legislature of Lower Canada. And he presented to his Grace many advantages that would result to both governments from such an arrangement, which were set forth as follows:—

"That contiguous to said Lake was a fertile country abounding in lumber, iron ore, marble, &c.; that the soil produced wheat, Indian corn, peas, barley, hemp, grass, &c., in great abundance; that the country was erected into a settlement after the conquest of Canada, by the late Lord Amherst, in 1761, and is now estimated at a population of 150,000 souls. That Great Britain, through the medium of the said canal and navigation, would, in fact, reap the advantage of the trade of Vermont, and of the northern part of the State of New York, which parts, contiguous to Lake Champlain and Iroquois, would then find it their interest to become a part of the State of Vermont.

That such reciprocal navigation and interest in the canal, would cement and promote friendship betwixt the people of the two Canadas, and those near the Lake and the Iroquois, and would tend

very much to strengthen the treaty made betwixt Great Britain and the United States of America in 1794, under which treaty British ships are permitted to navigate Lake Champlain for commercial purposes. That in case of war betwixt any powers, except those of Great Britain and America, the commerce of said Lake might be conveyed to Europe in Vermont or British bottoms, free from capture, high insurance, or expense of convoy. Hence the enterprising inhabitants of Vermont would find it their interest to support the government of Great Britain in Canada, whilst the remainder would be satisfied with the canal and commerce. In peace or war, it would render the price of salt, English goods, &c., cheap, and in time of war, the exports of Vermont would bear a high price, in consequence of the ease and safety of transportation. The people of Vermont thus situated, would be averse to war; they would, in fact, be a neutral body betwixt two great nations; whilst their Representatives in the Legislature of the United States would oppose every idea of hostilities between Great Britain and the United States, on principles of mutual interest; thus the most permanent contracts established, and the blessings of peace and prosperity the rewards.

"The said canal would extend navigation 180 miles into a fertile country, abounding in all kinds of iron ore, suitable to make pig iron, bar iron and steel, marble, white and clouded, copper and lead mines, fir-trees, ash, white and red oaks, cedar, and various other trees. There are also a variety of rivers, with proper falls to erect iron-foun-

dries, refineries, saw mills, &c., where pig and bar iron are made; deal boards, marble slabs, &c., may be sawed by water. Masts spars, staves, &c. furnished in abundance; of the preceding articles but little use is made for exportation. Wheat, rye, barley, Indian corn, oats, beans, pease, hemp, flax, beef, pork, butter, and cheese, are produced, in great abundance. The farmer in clearing the timber from his lands, can furnish great supplies of charcoal to serve furnaces, refineries, &c., and furnish large quantities of ashes to make pot and pearl ashes; these articles may be furnished cheap by the farmer, which would pay him, in many instances, for clearing his lands, instead of burning the timber on the ground to clear his lands.

"A ship canal would be the means of importing salt, and exporting the preceding articles cheap; the remittances that would be made on these raw materials would enable the merchant to make punctual remittances; it would draw commerce from the east, that now centers at Boston, Newbury Port, Portsmouth, &c., and add to the population of Lake Champlain. These measures would almost, beyond calculation, increase the commerce at both ends of said Lake. Admit that heavy articles would principally pass the ship canal, yet when the reader takes into consideration the length of the river St. Lawrence, the frozen season, that goods are seldom imported but once a year to Quebec, that spring and fall shipments are seasonably made to New York, the necessity of making early remittances, etc., the proprietors of the canal from Hudson's River would be benefit-

ted by said ship canal, in consequence of the extension of business. One circumstance that would tend much to draw commerce from the east to said Lake is, that it is customary for the merchant and farmer to move most of their heavy goods and produce by sleighs, in the frozen season; that the changeable weather on the sea coast at Boston, etc., spoils the sleigh path, so that about one journey in three are lost, while the more temperate and healthy climate of Vermont insures good sleighing for two months."

Ira Allen had such an interest in the construction of the ship canal that about the year 1795 he went to England to obtain a grant from the British Parliament and for the purpose of purchasing military stores in Europe for the use of the militia of Vermont, and in this business assumed to act, to a certain extent, officially as the agent of the State of Vermont. In fact he was clothed with no official power. This claim was put forth when he got into trouble with the British government. Allen purchased the arms in England as a private enterprise, and undertook to ship them to Vermont with the design of reimbursing himself by making sale of them to the Vermont militia. They were seized by the British, and the seizure of the arms was defended in the British Admiralty Court on the ground that they were to be used, not in Vermont, but for an armed insurrection in Ireland. To rebut this unfounded claim, that was ruining Allen, he claimed his ininstructions were such that he was warranted in purchasing the arms for Vermont. It was a fact

that Vermont in 1794, passed an act for the reorganization of the militia, in accordance with the national militia act, and provided that all persons subject to military duty should supply themselves with arms and equipments, and on the 19th of May, 1794, President Washington made a requisition upon the States for troops, and on the 21st of June, Governor Chittenden ordered 2139 Vermont troops to be organized, armed, equipped and held in readiness to march at a moment's warning. There was an urgent demand for military supplies in Vermont, and the resort to Europe was the best way of getting them. It was also a fact that Governor Chittenden gave Allen a ertificate under the seal of the State, bearing date October 27th, 1795, stating that Hon. Ira Allen of Colchester, in the State of Vermont, has a disposition to go to Europe, setting forth important offices he had held and positions of responsibitity he had filled. This certificate was exhibited before the High Court of Admiralty in London in his defence in said proceedings in Admirality. It was claimed by Allen that these circumstances warranted him in claiming that he procured the arms under the instructions of Governor Chittenden. This version was a constrained one. He in fact purhased them at his own risk; and the ship canal also was a private enterprise to be undertaken by Allen himself, or by an incorporated Company in case a charter could be procured.

Ira Allen in an address to the Governor and Council and House during the October session of the Legislature of 1809, said that in 1795, he

went to Europe, and applied to the Duke of Portland, one of his Britannic Majesty's principal Secretaries of State, for a ship canal from Lake Champlain to River St. Lawrence; his Grace and the Prime Minister, Mr. Pitt, were in favor of granting such ship canal as being interesting to the mercantile interests of Great Britain and that bankers and merchants in London assured him they would cause stock in such company to be subscribed to complete it. Allen in the address urged the State of Vermont to authorize him to apply for the support of the Executive of the United States and the resident British Minister, in favor of the project, and claimed that a saving of more than 200,000 dollars a year would be made to the people of Vermont. He also addressed a letter to Governor Galusha on October 6, 1809, on the subject of the ship canal and said, "This being a National and State question for public benefit, I hope that political parties will unite for mutual advantages and that the authority of the Legislature will be sent me by post, on which I shall repair to Washington, and by the assistance of the Executive of the United States, their Minister in London, with the assistance and influence of the British Minister with the British Government, and writing to my friends in London, I have no doubt of obtaining a grant for a ship canal and sufficient funds to complete the same. I consider this a favorable time to accomplish this object, which I have been more than twenty years in pursuit of."

Although the building of the ship canal was not

undertaken by Vermont and that Allen did not succeed in sufficiently enlisting the British Government to carry forward the worthy enterprise, it called forth the earnest zeal of a progressive, noble Vermonter in its favor.

Vermont being an inland State there was a necessity for avenues of transportation out of the State, and especially to the seaboard, and public attention began to be turned with interest and zeal to opening a waterway between Lake Champlain and Hudson River. A discussion of this enterprise first appeared in the Vermont Gazette of September 6, 1790, as follows:—

"A correspondent from the county of Rutland informs, that the plan of opening a water communication between Lake Champlain and Hudson's River, has become a subject of much conversation in that section and the northern counties of this State. A company of gentlemen in that part of the country have agreed to make an excursion a few weeks hence, for the purpose of examining the ground between Fort Anne and Hudson's River, and determining the practicability of the scheme, by actual mensuration, if necessary. Our correspondent adds, that the practicability cannot be doubted, if a stream of water can be found sufficient to supply a canal, capable of being brought onto the highest ground in the course. Wood Creek is boatable from Lake Champlain to Fort Anne, fifteen miles, except the Falls at Whitehall, which may easily be locked; from Fort Anne to the Hudson is twelve or fourteen miles through a level country.

"The advantages to be derived from the accom-

plishment of such an undertaking, to the fertile country adjacent to Lake Champlain, are almost inconceivably great; and the addition of 150 miles inland navigation, through the most fertile and thriving country in this part of America, to the present commercial advantages of New York, will give them a decided superiority in trade to any place in the Union. It is apprehended, should the execution of the scheme be found possible, by actual survey, the expensiveness of the undertaking will be no obstacle to its accomplishment. It is an object worthy the attention not only of individuals, but the legislatures both of New York and Vermont."

Previous to this time however, about 1784, William Gilliland of Willsboro, N. Y., had written that, "The region of both sides of Lake Champlain, is now a well inhabited country, and the lands amazingly advanced in value even at present. How much more valuable will they become when an inland navigation will be made from sea to sea?"

In March, 1792, Gen. Philip Schuyler of New York, aided by Elkanah Watson, procured from New York the charter of the Western and Northern Inland Navigation Lock Companies, which E. P. Walton of Vermont declared were the precursors of both the present Erie and the Champlain Canals. At this time the people in eastern Vermont were contemplating the improvement of Connecticut River for navigable purposes, and at the October session of the Legislature of 1791, an article of business was assigned for the session, as follows:

"10th, That the Legislature take into consideration the expediency of opening a communication between the waters of Lake Champlain and Hudson River—and also rendering the navigation of Connecticut River more easy and advantageous." This article was referred to a committee of seven from the House, joined by one from the Council, who made report in respect to the Champlain Canal that was supposed to be favorable to the project, but it was tabled and nothing further was done with it that session. At the same session the House passed a bill entitled, "An Act granting to William Page and Lewis Morris and their Associates, their heirs and assigns forever, the exclusive privilege of Locking Bellows Falls." This act fixed the tolls for 32 years; provided at the end of that period, and every ten years thereafter, the Supreme Court might reduce the tolls, but not so as to prevent the proprietors from receiving twelve per cent per annum on their actual expenditure; and made it the duty of the Governor to issue a charter to the grantees and to incorporate them into a body politic, by the name of the company for rendering Connecticut River navigable by Bellows Falls. The Governor did not issue the charter and incorporate them, but an act of incorporation of the same company was passed at the October session of the Legislature in 1792. Under the act of New York of March 1792, work was commenced on the Champlain Canal in 1793, at Whitehall and elsewhere on the line, but was soon discontinued on account of the defalcation of some of the stock holders and it was beyond the means

of others to pay the assessment that had to be made upon the shares of stock that had been subscribed. There had been but 672 shares subscribed and the estimated expense was 225,000 dollars. Gen. Schuyler wrote to Governor Chittenden on October, 17 1793, that there was little doubt but that relief would be obtained from the Legislature of New York by donation to the Company or by taking an extensive number of shares in the stock; and that the directors had been advised that it was probable the Legislature of Vermont would contribute to the important undertaking, and said:—

"Should aid be extended by your State your Excellency will pardon the liberty I take in suggesting the stipulations which appear to me proper to accompany any free gift— and which will secure its application to such part of the improvements in which the citizens of Vermont are more immediately interested,—and which are, that the gift should [be] exclusively appropriated to clearing, straitning and deepning Wood Creek, from the canals and locks now being constructed at Skensboro [Whitehall] to that part of said creek where it will be intersected by a canal to be drawn from Hudson's River near Fort Edward, and that the improvements should be made on such a scale as to admit the passage of vessels of sixty feet in length, ten in breadth, and to draw, at least, two feet of water, and that if the whole gift is not expended in this improvement, the residue to be laid out on the canal to Hudson's River aforesaid,— but if the Legislature should prefer to direct the

subscription of a number of shares, then nothing more will be necessary than to make provision for the payment of fifty dollars on each share, being the sum paid by the original subscribers, and to direct the payment of such future requisitions as the directors may call for on each share, in a general requisition upon all the stockholders.

"If aid is extended to the company in either way, by the Legislature of your State and by this, I am perfectly confident that the improvements may be made in five years to carry vessels of the burden above mentioned, and even larger, from Lake Champlain to the town of Troy. It is certainly needless to detail the advantages which will be derived to the community from the completion of the contemplated work. They will readily occur to your Excellency and to the enlightened Legislature of the State in which you preside."

This letter was communicated to the General Assembly by Gov. Chittenden and was referred to Samuel Hitchcock of Burlington, Daniel Farrand of Newbury, Enoch Woodbridge of Vergennes, Matthew Lyon of Fairhaven, and Elijah Robinson of Weathersfield, to whom Councillors Samuel Safford and Ebenezer Marvin were joined; and on Nov. 4, 1793, the committee reported, "that the Legislature take measures to direct the purchase of twenty shares in the company for the use of the State," but no legislative action was taken until 1796. Governor Chittenden received another letter from General Schuyler, bearing date at Albany, October 10th, 1796, in which he stated that the directors of the company had determined

to recommence their operations to complete the canal and locks at Skenesborough (Whitehall) and complete communication between Lake Champlain and the tide water of Hudson River, and the expense had been estimated at 300,000 dollars; and that the Legislature of New York had bestowed 12,000 dollars on the company and subscribed 200 shares on the part of the people of the State, and said, "As a very considerable portion of the citizens of Vermont will participate in the benefits which will result from the operations of the company, the directors are persuaded, that they may with propriety respectfully solicit the aid of your Legislature, and therefore entreat that respectable body to subscribe fifty shares to the stock of the company." The letter, with accompanying documents, were presented to the assembly on October 20, 1796, and referred to a committee, who reported, recommending to the Legislature to comply with the requisitions contained in the letter and recommended the laying of a tax on each acre of land in three tiers of towns lying east of Lake Champlain, each tier of towns paying the tax in proportion to the supposed benefit they would receive from the construction of the canal; the proportion being fixed by the Legislature. At this session the Legislature passed an act, the preamble of which was as follows:—

"Whereas the Legislature of the State of New York have established a company in said State, called and known by the name of the President, Directors, and Company of the Northern Inland Lock Navigation from the now navigable part of

Hudson's River to Lake Champlain; and have enabled said company to receive and enjoy certain profits which may arise therefrom. And whereas the President of said company has made application to this Legislature to subscribe for fifty shares thereof—And although it appears to the Legislature, that the purchase of said shares, for the purpose of encouraging said undertaking, would be highly beneficial to the State at large, yet as it would be more particularly beneficial to the western and north-western parts thereof, the Legislature do not think fit to purchase said shares with money taken from the public treasury, but for the purpose of encouraging an undertaking so laudable and beneficial to mankind, the Legislature have thought fit to enable such towns as, from a spirit of liberality and enterprize, shall have a wish to become stockholders in said company, to tax themselves for the purpose." This act authorizes towns to levy a tax for the purpose of aiding the company in the construction of the canal, but nothing resulted from it.

While Gen. Schuyler was striving to push on the work of his company, men of enterprise in the Valley of the Connecticut River were endeavoring to improve its boating facilities. By companies chartered by Vermont, and in one instance, at least, by a lottery, means were raised for clearing the bed of the river and constructing the necessary canals and locks. Massachusetts and Connecticut co-operated in the work, and finally the river was made available for transportation by flat-boats and rafts, much to the advantage of the people of

the valley in Vermont and New Hampshire, and specially so to those engaged in the lumber trade. In 1830, a small steam-boat ascended the Connecticut River as far as Wells River village; in 1831, five additional boats were built and put on the river, and were run about a year, but in 1832 the company failed, and the boats were withdrawn.

Governor Samuel C. Crafts in his message to the Council and the House of Representatives in 1829, called their attention to the survey of a canal route from Onion River in Montpelier across the heights to Connecticut River by the way of Wells River. The Governor stated that in the month of June, 1829, he received a communication from Captain Graham, of the corps of Topographical Engineers, stating that he had arrived at Montpelier, with three assistants, and with directions from the Engineer Department to continue the surveys and examinations in this State, with a view to the connection of the waters of Lake Champlain and the River Connecticut, through the valley of Onion River. As the engineers were necessarily unacquainted with the topography of the country to be explored, and the object entrusted to them being of general interest, he thought it his duty to designate some person, who had a general knowledge of the country to be explored, to act as agent in behalf of the State, and he appointed Joshua Y. Vail, Esq., as such agent. This and other surveys demonstrated the impracticability of canals across the Green Mountains, but the surveys served the purpose of indicating the possibility of railroads across the State.

Governor Van Ness in his message to the Legislature in 1825 advised that body, that he had in May previous received a communication from the Secretary of War Department of the United States that orders had been given to cause an examination and survey to be made of the country between Lake Memphremagog and the Connecticut River at Barnet with a view to ascertaining the practicability of constructing a canal to unite those waters, and that an engineer would be at Barnet by the 10th of May to cooperate with an engineer or commissioner that might be sent to that place on the part of Vermont, but the Governor thought he had no authority to incur the expense. Arrangements, however, were made by individuals, and he appointed Horace Evertt of Windsor and Nichols Baylies of Montpelier as commissioners and the survey was made, but the construction of the canal was not undertaken.

If it had been possible to construct the canals contemplated in and through Vermont, it would have resulted in important consequences; it would have diverted to New York City a very considerable portion of the commerce of the State which previously had been divided between Portland, Maine, Hartford, Conn., and Boston. Of the Vermont towns Burlington was the most largely benefited from the construction of the canal that was completed in the year 1822 or 1823, connecting Hudson River with Lake Champlain. By reason of that water-way Burlington won the trade from northern and northwestern Vermont that had long been enjoyed by the merchants of Montpelier.

These results, as well as the greater cheapness of transportation by water than by land carriage, stimulated inquiries in Vermont as to the practicability of river navigation by artificial improvements and the construction of a canal from Lake Champlain to Connecticut River and from that river to Boston, Mass., and Portsmouth, N. H.

Governor Van Ness in his speech to the Council and the House of Representatives in 1823 said: "Permit me to congratulate you on the prospect which is opened to us by the completion of a canal communication between Lake Champlain and the Hudson river. This great work has been exclusively accomplished by the noble and munificent spirit which has animated a neighboring State, and which shines with still greater splendor in an undertaking far more grand and stupendous, though not so immediately interesting to the people of this State. A new era has indeed burst upon us, when we can hear of the arrival of vessels at the city of New York, from the northern extremity of Vermont. The immense value of such a communication to this State will soon be extensively seen and felt in the different branches of business carried on within it."

On May 17, 1825, the citizens of Montpelier met and appointed a committee to examine the practicability of a canal from Lake Champlain to Connecticut River. The committee made a report, at an adjourned meeting held on the 7th of June, 1825, to the effect that a canal from Montpelier via. Wells River to Connecticut River was feasible, and via. the Gulf at Williamstown and

White River was less so. At this meeting the committee was enlarged so as to include Araunah Waterman, Sylvanus Baldwin, E. P. Walton, Senior, Joshua Y. Vail, Joseph Howes, Samuel Prentiss, Timothy Hubbard, Parley Davis, Nicholas Baylies, Jeduthan Loomis, George Worthington, Timothy Merrill, Calvin Winslow, John Spalding, and Edward Lamb.. This meeting called a convention consisting of delegates from the Counties of Chittenden, Washington, Orange, and Caledonia, which met at Montpelier on June 30, 1825; that convention resolved upon a survey from Lake Champlain to Connecticut River, and appointed three commissioners to carry the resolves into effect, who employed an engineer for the work; and Gov. Van Ness communicated to the Legislature of 1825 the report that was made by the commissioners. The Convention also requested the Governor to apply to the U. S. Secretary of War for surveys under the directors of that department—the surveys referred to were those that were made of the Country between Lake Memphremagog and Connecticut River and a survey of that River from Lake Connecticut in New Hampshire to Long Island Sound. which were ordered on the request of Congressmen from Vermont, New Hampshire, Massachusetts, and Connecticut.

On Nov. 17, 1825, the Legislature requested Gov. Van Ness to apply to the Secretary of War to direct and employ some suitable engineer or engineers to ascertain the different heights of land and the waters on the several routes in this State where it was contemplated to make canals. There

was communicated to the twentieth Congress by the U. S. engineers the report of a survey for a canal connecting the waters of Lake Champlain near Burlington with those of Connecticut River by the valleys of Onion and White Rivers. The conclusion was, "that the adequacy of the supply of water was too doubtful to warrant the construction of so expensive a canal as this would be." This report was a fair type of the conclusions of the reports of the other surveys; and all schemes of this sort were abandoned.

One of the first indications of the prosperity of a community or nation and advancement in civilization is the convenient means of interchange of its merchandise and its unrestricted and easy communication between the people of municipal divisions. At an early day in Vermont the attention of its people, through their representatives in the Legislature, was directed to the survey, building and repairing roads, constructing turnpikes and building bridges throughout the State. In doing this the purpose and effect was to impose a portion of these burdens upon the owners, both residents and non-residents, of the land to be benefited by the expenditure; and each male person, with a few exceptions, was required to work out on the highway a tax annually; and the exclusive right to run stages and maintain ferries, was granted by the Legislature. The members of the Legislature were so impressed with the importance of good roads throughout the State, they passed, on Nov. 2, 1802, the following resolution :—

"Whereas the opening necessary and convenient roads tends greatly to the wealth and population of this State, by encouraging settlements, and rendering public travel convenient; and as a good road, from North to South, directly through this State, beginning at Huntsburgh [Franklin] or Berkshire, thro' Enosburgh, Bakersfield, part of Fletcher to Cambridge, Underhill, Jericho, Richmond, Huntington, Buel's Gore, Lincoln, Ripton, Goshen, Brandon, and to fall into the public road at Brandon or Pittsford, through which towns there are roads laid, tho' not sufficiently occupied for public travel, yet capable of being made feasible for public travel, and would shorten the travel from north to south about twenty miles if straightened and mended—Therefore, Resolved, that a Committee of three be appointed from this House, to join such a Committee as the Governor and Council may appoint, to take under consideration the utility and necessity of opening, straitening and repairing the road thro' said Towns."

One of the first expensive projected roads was constructed from Newbury near Connecticut River to Peacham, and thence to Cabot, Walden, Hardwick, Craftsbury, Albany and Lowell to Hazen's Notch near the line between Lowell and Montgomery. This originally was intended as a military road and was to extend to St. Johns in Canada: it was commenced in 1776, by Gen. Bayley and completed about 1780 by Brigadier Moses Hazen. Grants and aid were frequently asked by interested parties for roads, turnpikes and bridges, some of which were as follows: a petition in 1801, that a

grant may be passed for a turnpike road from the mouth of Wells River to Danville, through the towns of Ryegate, Barnet, Peacham, and Dewy's Burgh; application in 1797, to lay out a County road from Chelsea to Danville; and in 1799, to lay out and survey a road from Montpelier and Calais to Danville, and an act asking the right of making a turnpike from Brookfield to Onion River; in 1791, a petition from the inhabitants of Woodstock praying for a grant of a lottery of three hundred pounds for the purpose of repairing the road across the mountains through Killington (Sherburne); and a petition praying for a lottery to be granted for the purpose of building a bridge over White River, and one to complete a bridge over Deerfield River in Readsboro; in 1803 a bill was passed appointing a committee to lay out and survey a public road from Berkshire to Brandon. In 1795, a petition of Sherburne Hale was made, praying for "the exclusive right of making a road in Rockingham and receiving toll from passengers in like manner as ferrymen across Connecticut River." This seems to have been the first suggestion of turnpike toll companies in Vermont, many of which were subsequently granted in place of the former practice of building roads and bridges by money derived from lotteries,

On Nov. 7, 1826 a bill became a law relating to the arch-bridge across Onion River between Montpelier and Berlin; this was one of the first arch-bridges erected in Vermont. On October 13, 1795, a petition was presented praying to have the exclusive right of running a stage from Windsor to

Burlington for a term of years, and one for the exclusive privilege of running a stage from Windsor to Benjamin Wright's on White River in Hartford. These last two petitions originated the great mail stage route that became so famous about the year 1835 and for many years later by Mahlon Cottrill of Montpelier, and over which route the Vermont Central Rail Road was at a later date constructed.

Many of the above mentioned applications for the survey and laying out of highways, and many others, were granted and built; and many of them, as well as turnpikes and bridges, were constructed by the aid of lotteries granted by the Legislature. The exclusive right of running ferries was granted from time to time. On November 4, 1805, there was an act before the Legislature to establish a corporation by the name of the Boston and Montreal Turnpike Company, and the Council resolved to concur with the House in passing the bill. The writer is unable to state what was done under the act, but it shows the State was encouraging large undertakings and improvements.

On October 30, 1798, a grant was given to Joseph Hawkins to raise by lottery the sum of two thousand dollars. Hawkins resided in Alburgh and went on a voyage to the coast of Africa in 1794 and 1795, on commercial pursuits, and after enduring uncommon fatigues and dangers, his sufferings received an aggravating consummation of distress by a deprivation of his sight. At the time of this grant he was of the age of twenty-six. He desired to go to Europe to be treated by skilled oculists, but he was unable from poverty to un-

dertake the voyage and the act was for the purpose of furnishing him the means. It was stated in the "Rutland Herald" of Dec. 31, 1798, that Hawkins "had written an instructive and entertaining account of his voyage and travels in Africa and was engaged in literary pursuits and publications." There were many licenses granted by the Legislature to individuals presumably to aid them in carrying forward private enterprises of their own, and no public object was specified in many of the grants.

The granting of lotteries for the promotion of any enterprise or scheme, and especially those of a private nature, was of questionable policy. In the early days of Vermont the survey and constructing of roads, canals, and other means of communication through the State, and the encouragement of manufacturing, were urgently demanded, but money was hard to be got and the means to bring about these needed improvements were not easily to be obtained, and hence lottery schemes were resorted to, to enable these improvements and industries to be carried forward. Under these circumstances, in the early history of Vermont, the people and their legislators did not seem to doubt the propriety or question the policy of resorting to lottery schemes to aid in promoting these enterprises. The general policy of the State from the earliest times has been the prohibition of lotteries, except allowed by special grant as shown by the laws of the State as contained in the various revisions. And when leave was given by the Legislature for the raising of a lottery, the selling

of the tickets and the management of the lottery were guarded by strict regulations provided by the law-making power of the State. At length a more enlightened policy obtained. On Nov. 5, 1804, in the Council, a committee, appointed on a bill to grant to the Common Council of the City of Vergennes liberty to raise the sum of two thousand five hundred dollars for the purpose of building a bridge over Otter Creek in said city, reported that the same ought to pass, which report was not accepted, and on motion "resolved to nonconcur with the House in passing the said bill into a law," and the Council gave as reason for the non-concurrence: "1st, Because Institutions of this kind tend to invite individuals to enter into speculations in obtaining property different from the modes dictated by honest industry; 2nd, because the experience of this government has taught us that lotteries have created evils to communities greater than they were designed to remove." In this case the grant was finally given, but the opposition that it met with, showed that the sentiment of the people had begun to exert itself against the evils of lottery schemes, and none have been granted for many years. It would not be out of place here to refer to the active stand that was taken by several of the Governors of the State, on questions of internal improvements, but it is thought best to defer an account of their public utterances in favor of such improvements, and for the public welfare, until we come to the chapters devoted to their services.

The Legislature of the State enacted many laws

from time to time, designed to encourage manufactures of various kinds. It was stated in the second volume of this History, in substance, that the early settlers of the State, by their persevering industry, raised a little flax and wool, which were spun, woven, colored and made into clothing by the wives and daughters, and thus their wants were supplied. At that day there were but few trades that were deemed indispensable; the blacksmith, the shoemaker and the wheel-wright were the principal ones. As the condition of the people improved, they, by degrees, extended their desires beyond the mere necessaries of life; first to the necessities and then to luxuries and elegancies. This produced new wants, and manufacturing on a large scale was demanded, and the Legislature to some extent gave its aid for its promotion.

On October 17, 1801, an Act passed granting to Araen Elliot, his heirs and assigns, the exclusive right of manufacturing Crawley and Blistered Steel for the term of ten years; on Nov. 9, 1807, the House adopted the following Preamble and Resolution:—

"Whereas, it becomes the interest of the good people of this and the United States, as far as possible to encourage domestic manufactures, and more especially when the peace of this country is threatened by the nation with whom we have the greatest commercial intercourse; and whereas the most ready method of introducing such manufactures will be to take proper measures to make them fashionable,—Therefore,

Resolved, the Governor and Council concur-

ring herein, that it be recommended to the Governor, members of the Council, and House of Representatives, to appear at the next session of the Legislature, clothed in the manufactures of this or some other of the United States."

This resolution was concurred in by the Council.

The Secretary of the Treasury of the United States on July 28, 1809, through a resolution of Congress of June 7th of that year, issued a circular to the several States for the purpose of obtaining information for the means of protecting and fostering the manufactures of the United States, together with a statement of the several manufacturing establishments which had been commenced, and thereupon, in the Vermont Assembly on October 25, 1809, a committee of one from each county was appointed to prepare a statement of the manfactures of the State. The committee made their report, which included the following table: viz.,—

Counties.	Cotton & Linen., No. Yds.	Woolen, No. Yds.	Clothiers Works.	Carding Machines	Furnaces.	Forges.
Bennington	84,100	62,900	11	9	1	3
Windham	120,000	100,000	24	16		
Rutland	170,200	143,040	26	18	3	6
Windsor	269,090	134,045	34	25		
Addison	127,600	107,200	15	13	2	15
Orange	177,000	177,000	19	19		
Chittenden	128,000	110,000	8	8		
Caledonia	135,000	110,000	12	10		
Franklin	32,600	40,400	7	10	2	2
Orleans	33,000	30,000	4	4		
Essex & G. Isle	28,960	27,860	3	3		
Amount	1,315,550	1,042,945	163	135	8	26

Many of these manufactured goods became exports from the State, there being a surplus after supplying the wants of Vermont. The resolution

of Congress was limited to manufactures, therefore the above table did not embrace pot and pearl ashes, timber and lumber which were exported in large quantities to Canada in the neighborhood of Lake Champlain, nor did it include agricultural productions of wheat, pork, and other articles which were sent in large amounts, in those days to Albany from Western Vermont, and to Boston and Portland from Eastern Vermont.

The House and Council on Nov. 3, 1823, passed resolution instructing the Vermont delegation in Congress to support all lawful measures for the encouragement and protection of manufactures, and these instructions were complied with. A resolution was also adopted on Nov. 2, 1824, that a committee of manufactures be instructed to inquire into the expediency of exempting the workmen in cotton and woolen factories from military duty, and that the judiciary committee be instructed to inquire into the expediency of enacting a law making it the duty of manufacturing companies incorporated by this State to give all children employed by said companies between the ages of six and fifteen, three months' schooling in each year. On Nov. 10, 1835, the Council received from the House an engrossed bill entitled "An Act to encourage the growing of silk within this State." The Governor and Council concurred in the passage of the bill. This Act authorized a bounty of ten cents for each pound of cocoons thereafter raised or grown within the State. Many persons in Vermont at that date had planted the mulberry in their gardens, procured silk

worms in the egg, and with a reel and small spinning wheel manufactured sewing silk of the very best quality from the cocoons of their silk worms.

In addition to the various articles and fabrics for domestic sale, Vermont possesses facilities for extensive manufactures, which are equal if not superior to any of the United States. The water power of the State afforded by her rivers are unlimited, and fuel abundant. A list of the manufactures of the State, given by Thompson in his Civil History of Vermont according to the returns of 1840, were as follows, viz.:—

26 Furnaces, making 6743 tons cast iron.
14 Forges, making 655 wrought iron.
Other metals, valued at $70,500.
Granite, marble, &c. 33,880.
17 Paper Mills, making 214,720 value.
96 woolen factories, } $1,331,953 value.
239 Fulling mills, }
Silk, 39 pounds, $99 value.
7 Cotton factories, 7254 spindles, manufacturing $113,000 value.
Mixed manufactures, $155,276 value.
Hats, valued $62,432.
261 Tanneries { 122,763 sides sole leather.
{ 102,737 sides upper leather.
Maple Sugar, 4,647,934 pounds.
1 Brewery, making 12,800 gallons.
2 Distilleries, " 3,500 gallons.
2 Glass Houses, $55,000 value.
8 Potteries, 23,000 value
Potash, 718½ tons.
Soap, 50,300 value.
Candles, 28,687 "
Carriages, 162,097 "
7 Flouring Mills—barrels of flour 4,495.

312 Grist mills,	$1,083,124 value	
1081 Saw mills,	manufactured.	
20 Oil mills		
29 Printing offices,—Binderies, 14.		
2 Rope Walks, $4,000	value man'd.	
Music instruments, $2,290	"	
Home made goods,		$674,548
Machinery made,		101,354
Hardware,		16,650
Small arms,		1,156
Precious metals,		3,000
Granite and marble,		62,515
Bricks and lime,		402,218
Value of vessels built,		72,000
Furniture manufactured,		83,275
Houses. 72 brick, 468 wood, cost		344,896
Medicines, drugs and dyes,		38,475
Other manufactures,		488,796

For the purpose of comparison, we introduce the following abstract of manufactures in Vermont, copied from the returns in 1810:—

8 Blast furnaces,	986 tons iron,	@	$100,	$97,600
2 Air furnaces,	260 " pig		90,	23,400
26 Forges,	817 " crude,		120,	98,040
	104 " refined		150,	15,600
67 cut nail factories,	144 tons nails,	@	240,	34,560
65 trip hammers—value of the work done,				78,574
11 paper mills—23,350 r'ms,		@	$3 pr. r'm,	70,050
26 oil mills—50,637 gallons,		@	$1 pr gal.	50,637
125 distilleries, 173,285 do			75 cts.	129,964
205 tanneries—773 tons leather,		@	$500,	386,500
166 fulling-mills dressed	942,960 yds.	a	25,	235,740
139 carding machn's, 798,500 lbs. wool		@	.06,	47,910
Woolen cloth—1,207,976 yds.		@	75 cts.	905,982
Cotton cloth—131,326 yards,		@	30 cts.	39,397
Linen cloth--1,859,931 yards,		@	35 cents,	650,976

Mixed cloth,—191,426 yards, at 38 cents,		72,471
14,801 looms, weave 240 yards each,	@	8,276,179
67,756 spin'g wheels, spin 70 sk's ea.	@	4, 189,716
23 jennies, equal 804 spindles,	"	3, 1,688
96,760 hats at $2		193,520
65,580 pairs boots, at $3		$196,740
138,700 pair shoes, at 75 cents,		179,025
Saddles and Harnesses, amount of value,		127,840
Cabinet work, do do		118,450
Maple sugar, 1,200,000 lbs. at 10 cts. lb.		120,000
Potashes, 1500 tons at $100 pr. ton,		150,000

There are many other manufacturing enterprises, including the unlimited marble and granite industries, that have been more recently developed, a description of which will be given in a future volume.

The project for a canal from Lake Champlain by way of Onion River to the Atlantic by way of Portsmouth, N. H., and to Boston, Mass., that lie near the hearts of the people of Vermont, having failed, the attention of persons interested in internal improvements was turned towards railroads. At that time there were no railroads of any considerable length in operation in the United States, but railroads had been in successful operation for several years in Great Britain. John L. Sullivan, one of the engineers connected with the United States Board of Internal Improvements, insisted that transportation would be cheaper from Boston to Lake Erie by railroad by the northern route to Ogdensburgh than from New York City to Lake Erie by canal. The route indicated by Sullivan was from Boston by way of Concord, Lebanon, and down the valley of Onion River to

Burlington, Vt., thence by a ferry to Port Kent, N. Y., and from thence by railway to Ogdensburgh.

In 1830, great interest in railroads prevailed in Vermont, and the several schemes discussed enlisted the aid of capitalists of Boston and vicinity. Meetings were held at Brattleboro, Windsor and Chelsea and a series of meetings at Montpelier. A report was made to the Legislature of Massachusetts in January, 1830, in favor of granting a charter for a Railroad from Boston to Lowell, Mass. This seemed to stir the people of Vermont to action. On the evening of January 26, 1830, citizens of Montpelier met and appointed a committee on the subject, who reported on Feb. 2, expressing the opinion that a railroad "cannot be constructed on any location where it could afford more advantages to the inhabitants of New England, and the nation generally, than one from Boston, Mass., to Ogdensburgh, N. Y.," and adopted the following resolution:—

"Resolved, That the public good requires vigorous and persevering efforts on the part of all intelligent and public spirited individuals, all friends of their country and of internal improvements, until, by the enterprise of individuals, the co-operation of State Legislatures, or the aid of General Government, the survey and completion of a route is accomplished, for a National Railroad, from the seaboard at Boston, through Lowell, Mass., Concord in New Hampshire, and thence by the most convenient route through the valley of Onion River to Lake Champlain, and thence to the waters of Lake Ontario, at Ogdensburgh, N. Y."

This resolution was signed by Lyman Reed, Ezekiel P. Walton and Sylvanus Baldwin as Committee. At this meeting another committee was appointed to report to a County convention. The County convention, consisting of citizens of the Counties of Orange and Washington, met at Montpelier February 17, 1830, when the committee, through General Parley Davis, made report on the different routes and came to the conclusion that a railroad from Boston via. Concord, N. H., and Onion River, Vt., to Ogdensburgh was feasible, and that the productions transported on the great Western lakes would find a quicker and cheaper conveyance to the seaboard at Boston than they possibly could to the City of New York. Many meetings in the interest of the project were called along the line of the proposed routes during the year 1830, at all of which, except the one held at Burlington, they took action looking to secure aid from the National Government in the construction and survey of the road. The convention at Burlington resolved that the resources of the States interested were amply sufficient to accomplish the object. Subsequently a general convention was called to meet at the State House at Montpelier September 6th, 1830. The convention consisted of 5 delegates from the City of Boston, 10 from the State of New Hampshire, 26 from the State of Vermont, and 7 from the State of New York, and they held a two days' session. Luther Bradish of Franklin County, New York, was the President of the convention, who, at its close, made an impressive speech, emphasizing the project which had been particu-

larly considered as one of national importance, and predicting that this and other similar projects of internal improvement throughout the country, would serve "as so many new and ever-brightening chains to bind more strongly together ALL of the States of this great, highly favored and happy Union." E. P. Walton says in the "Governor and Council," that among the delegates of that convention were, "Charles Paine of Northfield, and Timothy Follett of Burlington, who from 1845 during their lives, were the most distinguished railroad men of Vermont, and both were victims to their zeal in this service."

The work of the convention was for the future; at that time no corporation had been orgnized for the building a road on either of the contemplated routes; even the Boston and Lowell Railroad was not organized until 1831. At that date there were but few that dared predict that Vermont some day would have enough lines of railroad so that a true map of the State would look like a checkerboard by reason of the railroads running lengthwise and across its surface, but it has become a reality. The idea of securing National, or even State aid for the construction of this class of improvements was abandoned, and those who were particularly interested in them were thrown upon their own resources and the voluntary contributions of the people and the towns interested by their construction. The State of Vermont, while it would not aid in any of the railroad projects, it was nevertheless liberal through its legislature in granting charters for them. The progress made towards

the construction of railroads was slow. People were slow to make the necessary sacrifices.

In the spring of 1845, the commissioners respectively of the Vermont Central Railroad Company and the Rutland and Burlington Railroad Company opened offices in Boston to canvass for subscriptions to the stock of the respective roads; the presses of Boston and Vermont were employed in discussing the advantages of the two routes and the indispensable importance of either, to Boston, if only one should succeed. It created two zealous parties in Vermont by reason of the competing lines. Both secured capital for organization in 1845, and both roads were speedily constructed. The organization and construction of the Northern Cheshire and Sullivan in New Hampshire, the Vermont and Massachusetts, and the Passumpsic and Connecticut River and the Vermont and Canada, in Vermont, soon followed. The Vermont Central and the Rutland and Burlington Railroads were completed in 1854.

With the above named roads all the railroads more recently constructed in Vermont are connected. The original stock of most of the railroads chartered and constructed in Vermont, by reason of the large expense of building, furnishing and operating the roads, became worthless; the earnings of the bankrupt roads had to go to pay the running expenses of the road and the later *preferred* stock or indebtedness. The embarrassment of the Central Vermont by reason of its overburdened debt plunged it into an expensive and prolonged litigation and it was placed in the hands of receivers for many years.

Since the charter and the building of the Central Vermont and the Rutland and Burlington Railroads, many railroads in different parts of the State have been chartered by the Legislature of Vermont and built by the different companies, so that the people of the State have great railroad facilities, and making the Green Mountain State one of the best summer resorts in the world. Without stating the dates of the different charters of the several railroads or the names of the different companies or the exact time when they were respectively constructed and commenced to be operated, it will not be out of place to state generally the several lines of railroads and their connections. At the present writing one of the north and south railroads enters the State at Connecticut River near the south-east corner of Bloomfield in the County of Essex and runs through the north-east corner of the State via. Island Pond in Brighton and enters Canada at the north line of the town of Norton; one line enters the State at its south-east corner in the town of Vernon and runs north up Connecticut River to the town of Barnet and to the mouth of Passumpsic River and up the last named river via. St. Johnsbury and Barton to Newport and Lake Memphremagog, and from thence one line runs through Derby into Canada, and the other branch runs through Newport and Troy and thence into Canada and connects with a railroad at Richford. There is a short line running from Brattleboro via. Jamaica to Londonderry in Windham County. The Deerfield road en-

ters Vermont from Massachusetts in Whitingham and runs through the town to Wilmington, and another line from North Petersburgh, N. Y., via. Bennington to Glastenbury in Bennington County; and a line from Bennington to North Bennington and from there westerly to New York State, and from North Bennington via. Manchester to Rutland. One road running from Eagle Bridge, N. Y., through Rupert, Pawlet,, Poultney and connecting at Castleton in Rutland County with the road leading from Whitehall, N. Y., to Rutland, Vermont. There is a short railroad running from White River Junction in Hartford to Woodstock and a long line running from White River Junction via. Randolph, Montpelier Junction, Essex Junction, St. Albans, and entering Canada at the north line of Highgate in Franklin County, and another branch of the same line running from Swanton Junction through the town of Alburgh to Rouses Point, N. Y. The last railroad constructed, completed and put in operation in 1901, in the State, runs from Canada line through Alburgh, North Hero, Grand Isle and South Hero and across the eastern part of Lake Champlain to the main land near the mouth of Onion River and along the lake shore to Burlington and there connects with the Rutland and Burlington road. The Missisquoi Valley Road runs from St. Albans via. Enosburgh to Richford, Vt., and connects with the road running west from Newport. One of the railroads that crosses the State enters the State at Connecticut River in Lunenburg and runs via. St. Johnsbury, Danville,

through Lamoille County, Fletcher and Sheldon to Swanton, Vt.; this is a part of a through line from Portland, Maine, to Ogdensburgh, New York. One road runs from the mouth of Wells River via. Groton and Marshfield to Montpelier Junction, also a road running from Montpelier via. Barre to Williamstown. The Burlington and Lamoille Railroad runs from Essex Junction in Chittenden County to Combridge Junction in Lamoille County and thence connects with the road running from St. Johnsbury to Swanton. The Addison road runs from Leicester Junction westerly to Lake Champlain and Ticonderoga, N. Y.

These lines of railroads, and the fast multiplying electric roads, together with the waterway facilities afforded by the Lake Champlain, supply the people of Vermont with convenient traveling facilities, and the farmers and business men abundant means of transportation of freight.

CHAPTER II.

DISTINGUISHED VISITORS TO THE STATE IN ITS EARLY DAYS.

The pages of this history show that Vermont, even at an early day, had many able citizens, wise in state-craft and well fitted for building up the interests of a new State; and the State had been honored by some distinguished guests. In the first summer after the State was admitted into the Federal Union, two of the most distinguished men of the nation, Thomas Jefferson and James Madison, took a sail through Lake George and on Lake Champlain and as far as twenty-five miles north of Ticonderoga, when a farther advance was prevented by head winds causing the visitors and their party to return—they proceeded to Bennington on the 4th of June, and remained there over the Sabbath, and then returned by the way of the Connecticut River Valley and through Hartford and New Haven, Conn., to New York and Philadelphia.

The next distinguished guest to whom we will refer is the man of "two worlds," the Frenchman, the disinterested patriot, the Marquis De Lafayette. He was born on the 6th of September, 1757, in the Province of Auvergne in the southern division of France. In the summer of 1776, he was

stationed on military duty as an officer of the French army in the citadel of Metz. The first news of the opening struggle for American independence struck the key-note to Lafayette's fiery ardor. America fighting for its independence against British oppression, enlisted every sympathy of his heart. He threw up his office at Metz, returned to Paris and secretly made preparations to leave his native land and join the American Army to aid the Colonies in establishing their independence. It is not the purpose of the writer to give a detailed account of his invaluable service in aid of the American cause, but suffice it to say here, he was commissioned by Congress, Major General, July 31, 1777, and had the full confidence of General Washington. After peace was declared at the close of the Revolutionary War, Lafayette returned to France. Lafayette having been invited by Congress to visit the United States, he and his son landed at New York City on August 15th, 1824, and from that time until his departure in September, 1825, there was a continued ovation, extending to him the highest honors in every State in the Union, and Congress crowned it by a gift of $200,000 and a township of land.

The Legislature of Vermont in 1824, requested Governor C. P. Van Ness to invite Lafayette to extend his tour to Vermont, and directed the necessary military and other preparations. Accordingly, Governor Van Ness on Dec. 27, 1824, addressed General Lafayette as follows:—

"Sir,—It has become my pleasing duty, at the

request of the Legislature, and in behalf of the people of Vermont, to invite you to visit this State previous to your return to France. It can scarcely be necessary, Sir, to assure you that we should feel both gratified and honored by such an event." * * * To this Gen. Lafayette replied from Washington Jan. 15th, 1825, in part, as follows: "It has ever been my intention not to leave this side of the Atlantic before I have visited the State of Vermont, in the feelings of which, the first times of our Revolution, I have heartily sympathized, while its services to the common cause were by none better felt than by me, who may boast to have been early distinguished by the kindness of the citizens of Vermont." The expression in the above letter that "I have heartily sympathized," referred to the controversy with the adjoining States. His visit to Vermont was deferred till after he had made his contemplated visit to the Southern States.

General Lafayette and party, consisting of his son, George Washington Lafayette, and his secretary, and the representatives of Governor Van Ness, entered the State on the morning of June 28, 1825, and was met by the committee of arrangement at Windsor and welcomed by Hon. Horace Everett by a short address, after which Lafayette was introduced to Governor Van Ness who addressed General Lafayette as follows: viz.,—

"Permit me to tender you the congratulations and the hospitalities of the people of this State, on your arrival within its borders. In the performance of this welcome duty, Sir, the first and

most pleasing points which present themselves, are the character and occurrences which have distinguished and adorned your life: your publick and your private virtues—your exalted and inflexible patriotism—your ardent and uniform devotion to the great cause of liberty—and above all, as it regards us, your noble zeal, your disinterested sacrifices, and your eminent services, in that memorable struggle, which resulted in the establishment and independence of the United States. But to dwell minutely on these, could only be a repetition of what has been a thousand times said and published; and the recital of which, in new and glowing terms, has but recently greeted your ear, and, I trust, cheered your heart, at every step, throughout this happy and rejoicing country—a country, which at the same time acknowledges you as a father, and proudly claims you as a son.

"But though our tongues have been forestalled, our hearts are not the less full. They, have indeed, been constantly and tenderly alive to all your movements, and whatever concerned you, while traversing the Union; but it has been reserved to an hour in which our soil is hallowed by your tread, for them to pour out, without measure, the libations of their gratitude, and their affection. That these are now rushing forth from their overflowing fountains, in torrents behind whose rapidity any language of mine cannot but lag, is sufficiently seen in the intense and adoring gaze of the croud by which you are surrounded.

"General, I have the honour to represent, on this

interesting occasion, a people plain and hardy, but intelligent and virtuous; industrious cultivators of the earth, but enjoying, on their lofty hills, and in their lowly valleys, comfort and independence. Sincerely attached to the constitution and government of their country, they will never shrink from any sacrifices necessary to support and defend them. And if it may become me, I would add, that their bravery and patriotism have been severely tested, in the darkest hours of peril and dismay, and found firm and immovable, as the mountains which majestically stretch themselves through the midst of them.

"It is, too, a source of no small gratification to me, that they can number among them many of the worthy veterans who served in the same cause, in which you so gloriously distinguished yourself. But if I am so inadequate to express the feelings of others, how far beyond me is it to describe the emotions which must agitate the bosoms of those venerable fathers, on saluting, at this lapse of time, one of their old and beloved Generals, and whom in all probability their eyes are to behold for the last time, on this side of the grave. With their bodies enfeebled by the ravages of many a year, and their locks bleached by the sun of many a summer, their hearts, yet warm as the warmest, and tender as the tenderest, will be lighted up and animated with a blaze, kindled by a spark from the altar of '76, but whose blissful warmth none but they and you can be permitted fully to realize."

General Lafayette replied as follows:—

"The testimonies of esteem and affection bestowed upon me by the people of Vermont and their representative and chief magistrate, are the more gratifying as I had eagerly anticipated the pleasure, in my happy visit through the United States, once more to behold those celebrated mountains, the very thought of which recalls to my mind glorious, patriotic, and endearing associations. From this State, Sir, by a gallant band of patriots, and their worthy leader and prototype, was, for the first time, proclaimed on the ramparts of a British fortress, the name of the Continental Congress. Nor ever did the vicinity of the enemy on the northern frontier, and family difficulties on every other side, one instant cool the ardor of the sons of Vermont to defend the cause of American independence and freedom. Now I have the happiness to see the hardy and the virtuous inhabitants of this State peaceably cultivating their lofty hills and their handsome valleys, with the intelligence and spirit which characterise them; I see them, in common with their sister States, enjoying the blessings of the new American social order, so far superior even to the least exceptionable institutions of Europe. What hitherto was, at best, religious toleration, has been here exchanged for religious liberty and equality—privilege for right—royal charter mock representatives, inefficient compromises between nations and a few loyal and aristocratical families, for the sovereignty of the people, for truly representative and self-government.

"Sir, I most cordially thank you, for the friendly

and flattering manner in which you are pleased to express the feelings of the people of this State; a most gratifying specimen of this goodness I now have the gratification to witness. I thank you for your sympathy, for the delight I feel to see the happy citizens of Vermont enjoying all the blessings of republican liberty, and among them to recognize many of my beloved companions in arms. Be pleased to accept in your own name, and in behalf of the people and representatives of Vermont, the tribute of my respectful devotion and gratitude."

At Woodstock the General was welcomed on behalf of the citizens of the town by Hon. Titus Hutchinson, who said in part that,—

"Although one generation and almost a second have passed away, a few patriots of the revolution still survive. Some of these present have marched in defence of their country in obedience to your commands. These all yet live to tell us and their posterity what our liberties cost and how they were attained: nay more, they are the living heralds of your disinterested and efficacious exertions to redeem us from colonial bondage and guarantee to us those free institutions which are at once the glory and happiness of our country, and are extending their benign influence through the world.

"We should rejoice in your longer continuance here if other and higher claims would permit; but we know you must speedily progress on your tour, and we express the sincere desire of our hearts that your path may be strewed with flowers, fra-

grant flowers, till you arrive at the blissful shores of immortality."

To which the General made an apt and impromptu reply, and then proceeded to Royalton, where he was welcomed in behalf of its citizens, to the green hills and happy villages of Vermont, by Hon. Jacob Collamer, who said in part that,—

"In the full enjoyment, in common with our splendid cities, of all those privileges and blessings which flow from the liberality of our republican institutions, and surrounded with the light and intelligenee which attend those institutious, we cannot be insensible from whence these blessings flow, or the debt of gratitude which they imply. These are the happy results of your early labors and those of your compatriots. Hence the thrill of pleasure which, at your condescending visit, vibrates with electric rapidity and sympathetic orison to the most obscure and remote extremities of our nation."

To which the General made a happy reply. He was welcomed at East Randolph by Rev. Wilbur Fisk. General Lafayette and his party arrived at Montpelier about 10 o'clock in the evening of June 28th, and was addressed on behalf of the citizens of Montpelier and vicinity by Hon. Elijah Paine, Judge of the U. S. Court for the District of Vermont, and said in part:—

"We congratulate you on having nearly completed the tour of the United States in health, and hope you have received great pleasure and satisfaction in witnessing the fruits of your early toils and sacrifices, in the improvement and prosperity

of a widely extended Republic. We believe you have seen a great Nation enjoying the blessings of liberty without licentiousness.

"When you left this country after the war of the Revolution, the State of Vermont had but just begun to have a name. At that time almost the whole State was a wilderness—yet we are proud of some of the feats performed in that war by the arms of Vermont. We count upon ourselves as principals in the capture of a whole British army under Burgoyne, the consequences of which are too well known to you to need a rehearsal.

"The State of Vermont cannot show to you large towns and cities; but it can show to you what is perhaps of as much consequence: it can show to you a sober, substantial, intelligent, and well informed yeomanry." In reply to which Lafayette said:—

"The welcome I receive from the citizens of Montpelier, the great number of friends who at this late hour have been pleased to wait my arrival, and the particular gratification to hear their affectionate feelings expressed by you, my dear Sir, fill my heart with the most lively sentiments of pleasure and gratitude.

"Well may I, Sir, acknowledge the patriotic titles of this State, not only as having been the theater of a most important event, the victory of Bennington, and having largely contributed to the happy turns in the north—but also, as having by her devotion to the general cause, and by the gallantry of her hardy sons, constantly taken a great proportionate share in our revolutionary struggle;

nor shall I omit this opportunity to express my early interest in the local feelings and wishes of the State of Vermont.

Sir, I have now accomplished one of the greatest objects of my life; I have visited the twenty-four States of the Union; I have been the happy witness of the immense, rapid, and ever increasing results of Indepenpence, Republican institutions, and self government, and you, Sir, and all of you whom I have the pleasure to address, I most cordially congratulate on the public and domestic happiness which is enjoyed by the citizens of Vermont, and I beg you to accept my affectionate and respectful thanks."

On the morning of the 29th of June, the ladies of Montpelier assembled in the Congregational Church, now called Bethany Church, where Mrs. Erastus Watrous addressed General Lafayette as follows:—

"Permit me, Sir, in behalf of the ladies present, to express to you how highly we are gratified with this visit to our metropolis. To us, born free as the mountain air we breathe, the man whose bosom warmed with the sacred glow of patriotism when beholding an infant nation struggling for liberty, who sacrificed the sweet endearments of domestic society, the splendor of rank, and staked for time and life, to secure to us and ours the blessings we now enjoy; *to us*, he is welcome. We greet you with a cordial welcome, to our country, our homes and our hearts.

"Great must be your satisfaction, in your progress through the States, to behold in many places

the wilderness to have 'budded and blossomed as the rose,' the arts of civilized life to have advanced in the scale of perfection to a competition with Europe, while far and wide are diffused the blessings of peace and plenty, and on every side the children of those who were companions in arms, vieing with each other in expressions of gratitude to our country's benefactor.

"Accept, dear General, our united aspiration for your health and long life. With you, may the evening of life be peculiarly pleasant—like the setting sun after a glorious day, sinking gradually, and throwing back increasing beauty and splendor with every expiring beam. May kind hands and affectionate hearts soothe and administer to every want, and smoothe the pillow of declining age; and when at length the 'vital spark' shall quit its earthly tenement, may the angel of Death open to you the portals of eternal bliss in Heaven.

With *us*, and with every freeborn child of America, the name, the bravery, the virtues, the disinterested generosity of Lafayette will ever be perpetuated with our beloved Washington."

To which Lafayette made a happy response.

At Burlington, on June 25th, 1825, Hon. William A. Griswold was deputed to tender General Lafayette the hospitalities of the town and bid him a cordial and affectionate welcome, and he said in part:—

"The circumstances attending your visit to this land of liberty, present a spectacle unparalleled in the history of the world. While the sons of those, who were formerly your companions in arms, are

testifying their joy and gratitude, their wives and daughters are not less grateful for the delightful privilege they enjoy, of telling their children of your illustrious deeds, and of instructing them to imitate your brilliant examples. It has also rekindled a spirit of increased devotion to the principles of free government, and one which, we trust, will not be extinguished until 'history is dumb, and memory becomes extinct.'

Few, very few of the Revolutionary heroes, then the hardy sons of our Green Mountains, were eye witnesses to your valor and constancy displayed throughout our Revolutionary contest; and fewer still have survived the lapse of half a century, to unite with us in rendering honor to an early patriot and our distinguished friend. Yet a small and highly favored remnant have been kindly preserved, and tottering with age and infirmity, are now embodied before you with hearts bounding with joy and exultation at your presence. And it is a proud consolation to them and us to know, that they still hold a transcendent place in your affections.

"During the gloomy period of 1781, the citizens of this State were violently assailed by two powerful neighboring States, claiming jurisdiction over her territory, and the while contributing liberally to the common cause, her bold and inflexible patriots were nobly struggling for self existence and state independence. The waters of yonder beautiful Lake were covered with an hostile fleet and powerful army, and all her strongholds in the undisturbed possession of the enemy. This

was a time for coward hearts to despond. But the statesmen of that day were strangers to fear, and Washington, the sainted Washington, your illustrious compeer, was our mediator and our friend. An intrepid self-created board of war, consisting of eight persons only, wielded the destinies of a scattered population of about thirty thousand souls. Although the ambiguity of their conduct for a short time created some distrust abroad, yet their stern integrity inspired confidence at home, while their masterly and resolute policy rendered the enemy inactive, retarded their operations, and protected an extensive and defenceless frontier from pillage and devastation. At this critical moment, when the destinies of this State (then an almost outlawed territory,) were approaching a crisis, when despondency came creeping even upon the stoutest hearts, the cheering news of the surrender of Cornwallis was proclaimed. The independence of our country was sealed, and with it, the people of Vermont delivered from peculiar and trying embarrassments. Then the name of LAFAYETTE resounded through the air, hung with rapture upon every tongue, and still remains enshrined in every American heart."

The General made the following reply:—

"While the warm greetings of the citizens of of Burlington, and the multitude of friends, who came to join them on this happy spot, excite the most grateful feeling of my heart, I particularly thank you, sir, for your kind remarks, on the enjoyment of my passage through every part of the great Confederacy, and namely through

the State of Vermont. Among the revolutionary soldiers, whom it is my delight to meet, I have the gratification, in the sons of the Green Mountains, to find many who have been my intimate companions, and while in the throngs of friends of both sexes, and of every age, who so kindly welcome me, I often recognize the features, I can ever recognize the feelings of my American co-temporaries. There shall never be need, my dear sir, to rekindle in American hearts the sacred flame of republican patriotism; to keep it up forever, it suffices to see and feel the blessings of liberty, equality, and self-government; the more so, when those dignified and prosperous blessings are compared with the situation of another hemisphere; yet nothing can be more gratifying than the observation that my visit through the United States, so delightful to me, has been attended with some public utility, and I am happy to acknowledge it has afforded an oppprtunity once more to assert the devotion of the American people to the principles for which we have fought, for the institutions which they enjoy, at the same time it once more recalls to the attention of others the practical results of those principles, of those institutions.

"I am Happy to think, that while the successful termination of our Virginia campaign has helped to settle difficulties of a general concern, it has peculiarly contributed to satisfy the anxious feelings of this State, in which from an early period I have myself felt deeply interested.

"To your kind references to very remote time, permit me, sir, to add a mention of the later peri-

od of the late war, in which the citizens of Vermont also took a spirited part. One of the theaters of the honorable achievements of that war, both on water and on land, we may almost greet from this place, on the opposite shore."

Many of the surviving revolutionary soldiers attended these receptions, and at Burlington they assembled, and Sergeant Day of Lafayette's early Revolutionary regiment bearing the sword presented to him by Lafayette. David Russell addressed General Lafayette as follows:—

"A few of the surviving officers and soldiers of the American Revolution here present themselves to bid you a cordial reception, among those who have so long anxiously waited your coming; some of whom were with you on the tented field, and on the ramparts, that witnessed your undaunted bravery in defence of a country almost in despair. But we had a WASHINGTON, 'whose head was a Senate, and whose arm was a Host,' to direct and lead us, who, with his Cabinet Council of brave officers, (foreign and American, most of whom now sleep with their fathers,) inspired their humble followers in arms with that courage, with that zeal in the cause of liberty, and that love of country, which could not fail of leading to the important result, Freedom and Independence.

"We rejoice to meet you here, sir, although it be but for a moment, to pass in review, and then be separated forever. Here we reciprocate the feelings which can never be obliterated, in the breasts of those who have been associated in arms, in a just cause, although half a century has nearly

elapsed since those associations were first formed.

"You here behold, sir, a frontier, then a savage wilderness, now witnessing by its improvements the blessed effects, the glorious result of those patriotic exertions, in which you performed so distinguished a part.

"We reluctantly bid you adieu, sir, and pray our Almighty Father that you may return in health and safety to your country and family; that the remainder of your days may be peaceful and happy; and that thereafter you may join your great Prototype in Heaven, and, with him and other departed Saints and Heroes, forever rejoice together in the Paradise of God."

To these revolutionary soldiers Lafayette said:

"I am delighted, my dear comrades, whenever I find myself among my revolutionary brothers in arms; for we were all brothers, fighting in the same cause of independence and freedom; we all enjoy together the happy results of our toils; yet it is to me a particular gratification to recognize among you many of the intimate companions who served with me in the army, and several of my beloved Light Infantry soldiers. If I have obtained, in our military events, some fortunate days, it is to your gallantry in action, your perseverance under every hardship, to your personal affection, that I am indebted for them. That name, so dear to my heart, of *the soldier's friend*, which you gave me in my youth, I am happy again to find on your lips in our old age. Receive, dear comrades, my most affectionate thanks, love, and good wishes."

On this visit to Burlington Lafayette was invited to lay the corner stone of the South College of the University of Vermont. Rev. Willard Preston, President-elect of the University, addressed General Lafayette as follows:—

"In behalf of the University of Vermont, the pleasing duty devolves on me of bidding you welcome to this spot, consecrated to Science and Literature; and bid you a most cordial welcome. We are not insensible of our obligations to you and to your compatriots in arms for the distinguished privileges we enjoy, no less of a literary than a civil and religious character. While freedom is the nursery of science, knowledge and virtue are the grand supporting pillars of a free government. Mutilate those and the fair fabric falls. Support them, and they stand against the combined attacks of a frowning world. These are supported in all our institutions of learning. And it must have afforded you the highest satisfaction, to see everywhere planted, throughout this extensive country, seminaries of learning, from the University to the lowest elementary schools.

"The University of Vermont is comparatively in her infancy. She has sustained a series of disasters. One year since, and her noble edifice was reduced to ruins. But from those ruins, other edifices are rising and her prospects are brightening. One edifice is already erected, and we ask you to confer on us the honor of laying the corner stone of a second."

To which Lafayette expressed the high sense he had of the honor conferred upon him in permit-

ting him to lay the corner stone of so interesting a building, and said: "I am sure that the sons of Vermont will ever evince, in their studies, the same ardor and perseverance which at all times and on every occasion have characterized the spirited inhabitants of the Green Mountains."

The proceedings at Burlington, and in Vermont, closed by a reception and splendid entertainment at the residence of Gov. Van Ness, when General Lafayette and his suite embarked on the steamer Phœnix, and left Vermont for Whitehall, N. Y. It is probable that no Revolutionary officer then living, and none but Washington in his lifetime, could have aroused the enthusiasm with which Lafayette was greeted in Vermont. The writer has not gone into the details of the arrangements and display and of the military demonstrations along the route taken by Lafayette through the State, nor of the processions, marches, public dinners but will give three of the toasts offered by Lafayette.

At Montpelier he gave the following: "Vermont, Montpelier and the Green Mountains, from which was early echoed and valiently supported the Republican cry for Independence and Freedom —may its happy results be more and more enjoyed by the sons of the Green Mountains. At Burlington he gave the following: "The town of Burlington—may the Holy Alliance of Agriculture, Manufacturing, Industry and Commerce under the influence of her Republican institutions and her fortunate situation, more and more ensure her prosperity and happiness." And on being asked

gave the following: "The memory of Ethan Allen, and his early companions, the old Green Mountain Boys." Lafayette, before he left America for France, learned that an officer of the Revolution, General William Barton, one of his companions in arms, had been for a long period imprisoned for debt in jail at Danville, Vermont; thereupon Lafayette immediately furnished means for his release. Lafayette while on board the Brandywine, addressed to Gen. Isaac Fletcher of Lyndon a letter, in which he enclosed a draft, with a request that the sums for which Gen. Barton was confined should be paid. The request was complied with and Barton, the valiant capturer of Prescott, was released and at liberty to return to his family at Providence, Rhode Island, after a confinement in jail and a separation from them for more than thirteen years.

In an account of his return to his family, published in the "Boston Gazette" in 1826, it was stated:—

"It seemed to astonish the old General to see the great alterations on the road as we approached Providence; and when he spoke of the Marquis, (as he always calls Lafayette,) his eyes filled with tears of gratitude. He has been a very powerful man, and retains now, in the seventy-seventh year of his age, much of the vigor of his younger days. He would often sing a few lines of an old revolutionary song, with a clear and strong voice: when he had arrived near Providence, he sang,

"*And since we're here,*
"With friends so dear,
"We'll drive dull care away."

But when the old General entered his ancient home, and embraced the wife of his youth, his children, and his children's children, and met his old black servant, it was a scene which I cannot attempt to describe—they were all overjoyed and melted into tears. It was a long time before he could believe it to be a reality."

Undoubtedly the tour of Lafayette was of great value to the nation, in rekindling the patriotic spirit in the old, and inspiring it in the young, and will serve to perpetuate the sentiment of Liberty and Union.

Governor Van Ness in his speech to the Council and House of Representatives in October 1825, said:—

"Having given General Lafayette an invitation to visit this State, in pursuance of the resolution on that subject, he accordingly passed through the State the latter end of June last, entering it at Windsor, and leaving it at Burlington. His time was so limited, that it was not in his power to present himself in any parts of the State, not on the route between the two places mentioned. But as it was, every practicable arrangement was made, to favor the people of the State with an opportunity of beholding this beloved friend and patriot. A particular account of the expenses incurred on the part of the State, will be laid before you." The amount of the expenses was $564.77, mainly for transportation and express messengers.

In closing what we have to say as to this great man's last visit to Vermont and to America, it will not be out of place to show how he was regarded

by one class which was opposed to him in the Revolutionary War as well as by those who were his comrades in arms. Lafayette had been frequently called upon to treat with the Indians during the war and possessed a strong hold over their rude minds. At the time of his visit, negotiations with the allied tribes of Indians were in progress, and he was invited to join the commissioners of peace and assist them in their talk with the Indians. The meeting was at Fort Schuyler. The Indians arranged themselves to listen to the words of Lafayette; he pointed out to them the advantages of peace and the inevitable destruction which awaited them if they persisted in ravaging the frontiers. An Indian Chief replied: "Father we have heard thy voice and we rejoice that thou hast visited thy children, to give to them good and necessary advice. Thou hast said that we have done wrong in opening our ears to wicked men, and closing our hearts to thy counsels. Father! it is all true; —we have left the good path; we have wandered away from it, and been enveloped in a black cloud. We have now returned that thou mayest find in us good and faithful children. Father! we rejoice to hear thy voice among us;—it seems that the Great Spirit has directed thy footsteps to this council of friendship to smoke the calumet of peace and fellowship, with thy long lost children." Ever after Lafayette had done such valiant service in the Revolutionary struggle he had taken great interest in the prosperity of America and had been entreated to return to America and revisit the theatre of his former toils and glory. He deter-

mined to come and longed to embrace his old comrades, and especially General Washington. Washington had retired to Mount Vernon, and in his letter inviting the Marquis to visit America, he said, "at length I have become a private citizen on the banks of the Potomac; and under the shadows of my own vine, and my own fig tree, free from the bustle of the camp and the busy scenes of public life * * * I have not only retired from public employment, but am retiring within myself, and shall be able to view the solitary walk and tread the path of private life with heartfelt satisfaction. Envious of more, I am determined to be pleased with all; and this, my dear friend, being the order of my march, I will move gently down the stream of life until I sleep with my fathers." When Lafayette came he spent twelve blissful days with Washington at Mount Vernon. At Annapolis the two parted, for the last time; they both seemed to have a premonition that they should see each other's face no more. John Jay as chairman of a committee of Congress expressed to Lafyette in befitting terms the estimation in which he was held by Americans, and extended to him their best and kindest wishes to which Lafayette replied: "In unbounded wishes to America, Sir, I am happy to observe the prevailing disposition of the people, to strengthen the confederation, preserve public faith, regulate trade, and in a proper manner guard, our continental magazines and frontier posts, in a general system of militia, in foreseeing attention to the navy, to ensure every kind of safety. *May this immense*

temple of freedom ever stand a lesson to oppressors, an example to the oppressed and a sanctuary for the rights of mankind! and may these happy United States attain that complete splendor and prosperity which will illustrate the blessings of their government, and for ages to come rejoice the departed souls of its founders." Such was the man Vermont and all America delighted to honor.

James Monroe, the sixth President of the United States, held the office of President for two terms, from 1817 to 1825; the second war with Great Britain had come to an end, the fierce party spirit between the Democrats and Whigs, that had run high during the administration of Andrew Jackson and into the administration of James Madison, had subsided, and the friendly feelings during the administration of James Monroe were so evident it was called an era of good feeling. James Monroe soon after the close of the Revolutionary War before he became President of the United States visited Vermont, but his visit at that time did not attract the wide attention as at the time he made his second visit, when he officially stood at the head of the nation. He entered Vermont at Norwich, July 22, 1817, and passed through the town and viewed the copperas works in Strafford, and then back to Norwich to Curtis's Hotel, where he received a hearty welcome to the State and where an address was delivered in part as follows:

"With the liveliest emotions of duty we meet, for the first time, a Chief Magistrate of the Union within our territory. An emulation to pay respectful attention to the ruler of our nation, ap-

pointed by our own choice, under a constitution so eminently calculated for individual security, for individual interests, and national happiness; a spontaneous burst of joy among all classes of our citizens, at the visit of the President of the United States, are the best pledges a free people can present to a Chief Magistrate, of their contentment with the laws, and the operation of them in the government under the constitution, and their confidence in the administration."

After a verbal reply by the President, he and his suite, with a number of other gentlemen, partook of a dinner that had been specially prepared, and then was introduced to a large circle of ladies and children of the neighborhood. On the same day he left for Windsor, and on his arrival there, the bells began a joyous ring, and the heavy Artillery intermingled its loud peals, and the American flags displayed, and party spirit, that malignant passion which had so long been the bane of the United States, was dispelled from the gathered thousands. The President was also received by the young ladies of the village. A superb dinner was prepared. At Pettes' Hotel, Captain Josiah Dunham, a Federalist, addressed the President in part as follows:—

"The State of Vermont, Sir, after having alone, and successfully, borne a signal share in the heat and burden of our revolutionary labors, was the first to appreciate the importance of our federal compact, and to solicit admission into the national union. Under that compact, Sir, in the sanctuary of that union, we are free—we are protected—we

are flourishing and happy. Our mountains echo with the cheerful voice of industry and security; our valleys smile with abundance and peace. The blessings are dear to our hearts. We habitually cherish them as inseparable from our existence. In their defence, Sir, we have bled; and we are still ready, should our country call, to bleed again.

In this tour, undertaken through a remote section of the Union, for the additional security of our growing republic, you have an opportunity to become intimately acquainted with our local feelings —our local interests—our republican spirit—but above all, our unshaken attachment to our national government, and our national institutions.

We feel ourselves flattered by this first visit from the chief magistrate of our nation, and in beholding your face, Sir, we behold a new pledge for the continuance of our invaluable blessings."

The President in his reply said:—

"Fellow Citizens—I have approached the State of Vermont with peculiar sensibility. On a former visit, immediately after the Revolutionary War, I left it a wilderness, and I now find it blooming with luxuriant promise of wealth and happiness, to a numerous population. A brave and free people will never abandon the defence of their country. The patriotism of Vermont has been relied on in times of peril; and the just expectation of their virtue was honorably sustained. I shall ever rely on their wisdom in the councils of the nation, as on their courage in the field."

In a reply to an address to him by the young ladies of the Windsor Female Academy he said:—

"YOUNG LADIES—I beg you to be assured, that no attention which I have received in the course of my route, has afforded me greater satisfaction, than that by which I have been honored by the Young Ladies of the Female Academy of Windsor. I take a deep interest as a parent and citizen, in the success of female education, and have been delighted, wherever I have been, to witness the attention paid to it. That you may be distinguished for your graceful and useful acquirements, and for every amiable virtue, is the object of my sincere desire. Accept my best wishes for your happiness."

On their way from Windsor to Woodstock the President and his suite was met on the 23d of July by a cavalcade of citizens and a detachment of cavalry which escorted him to Woodstock village where he was received by the citizens with such demonstrations of regard as the spontaneous offering of a free people could give to a respected Chief Magistrate. Hon. Titus Hutchinson gave an appropriate address of welcome. The President in his reply, said, he was happy to visit the State of Vermont and to meet the citizens of Woodstock; that the demonstrations made in the progress of his journey, he was disposed to receive as a mark of respect to the office of President than a personal compliment.

The President and his suite proceeded northward through Royalton and other towns and entered the village of Montpelier the 24th of July. He was met in Berlin by two companies of cavalry and large number of prominent citizens and escorted by them to the village, and conducted to the State

House under a national salute from the Washington Artillery. In front of the State House, between three and four hundred pupils, both boys and girls, of the Academy and the members of the village schools, dressed in neat uniform, each tastefully decorated with garlands from the field of nature, were arranged in two lines facing each other in perfect order. The President walked through the assemblage with uncovered head bowing as he passed, entered the State House under a fanciful arch of evergreens, emblematic of the duration of our liberties; on one side of the arch were these words, "July 4, 1776," and on the other side, "Trenton, Dec. 26, 1776." James Fisk who had been a member of Congress, who afterwards was United States Senator from Vermont and who was a personal and political friend of the President, delivered the following address of welcome:

"SIR—The citizens of Montpelier and its vicinity, have directed their Committee to present you their respectful salutations and bid you a cordial welcome.

"The infancy of our settlement places our progress in the arts and sciences something behind most of our sister States; but we shall not be denied some claim to a share of that ardent love of liberty, and the Rights of Man, that attachment to the honor and interests of our country, which *now* so distinguish the American character; while the fields of Hubbardton, the heights of Walloomsack, and the plains of Plattsburgh, are admitted to witness in our favor.

"Many of those, we now represent, ventured

their lives in the Revolutionary contest; and permit us, sir, to say, the value of this opportunity is greatly enhanced, by the consideration, that we now tender our respects to one who shared in all the hardships and dangers of that eventful period, which gave liberty and independence to our country: nor are we unmindful that from that period until now, every public act of your life evinces an unalterable attachment to the principles for which you then contended.

"With such pledges, we feel an unlimited confidence, that should your measures fulfil your intentions, your administration, under the guidance of Divine Providence, will be as prosperous and happy as its commencement is tranquil and promising; and that the honor, the rights and interests of the nation will pass from your hands unimpaired."

The President responded as follows:—

"Fellow Citizens—The kind reception which your ardent attachment to the civil and religious institutions of our country have prompted you to give me, is the more grateful, because from citizens, who, having bled in their defence, can never be unmindful of their value.

"Though you do not claim pre-eminent distinction in the arts and sciences, yet your highly respectable colleges and schools plainly evince, that in the march of enterprise and industry through the place which recently was a wilderness, the sciences and the arts do not linger far in the rear.

"Your confidence in my sincere determination, to administer the government on national principles,

is greatfully acknowledged; and so far as the preservation of the honor, the rights, and interests of the nation unimpaired, may depend upon me, you may rely upon my best efforts to accomplish this great and desirable object."

The President then visited the schools in the Representative Room; the scholars received him by rising, and by Mr. Hill the Preceptor of the Academy, saying, "*I present to your Excellency, the finest blossoms and fairest flowers that our climate produces,*" to which the President replied, "*They are the finest that nature can produce.*" The President was then escorted to the dwelling of Wyllys I. Cadwell, Esq., where he partook of a collation, and soon after took leave of the committee of arrangements, ascended his carriage and resumed his journey. It was said by a resident citizen of Montpelier, that it was indeed an animating and affecting scene to behold the venerable head of the Union, saluted by the pride of their parents and the hope of their country, while beauty sparkeled from every countenance, and tears of parented affection rolled down the cheek of many an aged sire.

The President reached Burlington on the evening of July 24th. He was met at Williston by a large number of citizens from Burlington with a large detachment of cavalry commanded by Major Brinsmaid and escorted to town. The President's arrival at Burlington was announced by a national salute from the Battery, followed by another fired from one of the United States galleys, lying in the harbor; the bells of the churches were rung, and

every one seemed delighted to honer the Chief Magistrate of our country. Two hundred and twenty children from the Academy were paraded on an eminence and saluted the President as he passed. Nothing could exceed the interest that this band of children excited.

On the President's arrival at his quarters, Hon. Daniel Farrand, chairman of the Committee of arrangement, congratulated him on his safe arrival at Burlington and within that part of the State of Vermont, and that the people were glad of the opportunity afforded to assure him of a cordial reception, and to testify to him the high sense they entertained of his private worth, and to discharge the pleasing task of tendering to the Chief Magistrate of our country the respect due to his exalted station. Mr. Farrand, in his address referred to Vermont, as placed upon the frontier of the United States in situations assailable by the sudden irruptions of an invading foe, the dangers to which we may be exposed, that would give additional value to any precautionary measures of defense. And in course of his address said :—

"We rejoice that the noise of war is lost in the busy arts of peace, that the citizen is left to the honest pursuits of industry and enterprise, under a confidence that his interest is identified with that of the public. But you will not believe us alarmed by idle fears, when we assure you that the recent events on this frontier have shown us, that whatever we hold dear may be jeopardized by the chances of war. The citizens of Vermont will not soon forget the memorable eleventh of September 1814,

nor fail to appreciate the worth of those who so valiantly defended their country's flag, and secured to themselves immortal glory. The anxious solicitude of that awful but glorious day, has forcibly impressed upon our minds the truth of the position that *peace is the time to prepare for war.*

We are pleased to know that this subject has already engaged your attention. From a personal inspection of the various parts of our extended republic you will be enabled the better to ascertain its vulnerable points and advise to measures of future security. Nor is this subject an uninteresting one. The patriot, whose liberal soul is animated by the prospect of ameliorating the condition of his fellowmen, here finds an object commensurate to his desires, and while he generously devotes himself to the welfare of his country, he is sustained by a consciousness that his exertions have promoted its glory. Nature also seems to have designated our beloved country as the scene of no ordinary exertions. She has here scattered her gifts with a munificent hand and points the way to high and ennobling pursuits. The vast extent of our territory, the grandeur of its scenery, its mountains, its rivers, its inland seas, together with the progress of population and improvement, combine to render it an object of sublime contemplation.

"The alacrity and zeal with which you have engaged in the military and naval defences of our country, is an additional pledge of your honorable motives and patriotic wishes.

"That your labor may be crowned with abund-

ant success, and that you may long live to reap the rich reward of a life well spent in the service of your country is our most earnest wish."

To which address, the President made a most happy and dignified reply; viz:—

"Fellow Citizens,—In entering the town of Burlington, I find myself in view of a scene, associated in every bosom with the dearest interests and highest honor of the country. The eventful action on your lake and its invaded shores, can never be contemplated without the deepest emotion. It bound the union by stronger ties, if possible, than ever. It filled every breast with confidence in our arms, and aroused the spirit of the country. The proximity of those scenes shall animate your children to emulate the honorable example of their fathers. They too shall realize, that in the hour of peril, their country shall never want defenders, resolute and brave as their ancestors, and firm as the mountains, that gave them birth.

"Truly, no nation has richer treasures of civil or religious liberty to defend. No stronger ties to united and to enlightened and extended patriotism. That a just sense of these truths pervades the community, is evinced in the respect, which you tender to the office of the Chief Magistrate of the country in my person.

"The important objects of my tour become the more interesting, as I find the frontier more exposed. You may feel assured that the Government will not withold any practicable measures for the security of your town, nor have I ever doubted that preparation for defence in time of peace, would ever prove the best economy in war.

"If in pursuing these important objects and administering the government upon principles consonant with the benign spirit of our constitution, my sincere and honest efforts should be crowned, as you wish, with abundant success, it will be a real gratification to myself, that you and your State will eminently participate in the beneficent providential result."

The President then, accompanied by the Committee and a number of other gentlemen partook of an excellent dinner provided by Mr. Hayes. At this dinner the President gave the following toast:

"The Citizens of Burlington,—May the scenes which remind them of the glory of this country continue to excite their patriotic emulation." After the President had retired the toast, "The President of the United States," was drank standing.

Mr. Mason gave the following:—

"The glorious 11th of September, 1814,—a day ever to be remembered."

Col. Totten, gave the following: "Our nation's rights defended by our national strength." The last toast was given by Hon. Daniel Farrand, viz:

"Our beloved country,—Union in her Councils and respect to her constituted authorities."

The next morning the President breakfasted with C. P. Van Ness, afterwards Governor of the State; then the government of the college and the students, the clergyman of the town and a number of ladies and gentlemen waited on him and were presented, and having received their salutations, the President took his leave and was escort-

ed to the Lake and conducted on board the steamboat Phœnix. During his departure a salute was fired from the town, and when going on board a salute was fired from the steamboat. The President took his departure from Burlington accompanied by about fifty gentlemen and was wafted upon the waters of Lake Champlain to Vergennes where he examined the extensive iron works there established, and viewed the place where the fleet of *Macdonough* was built, and visited the fort commenced at the line near Rouses Point under the direction of the Engineer, Col. Totten, and expressed himself as much gratified at the able and skillful arrangements made by Col. Totten for the further defence of our country.

Henry Clay, a United States Senator from his adopted State, Kentucky, and a distinguished statesman, was born in the county of Hanover in the State of Virginia, on the 12th day of April, 1777. For many years he was one of the most prominent figures in the United States Senate and a leading man of the Whig party. In 1839, when the party was having its best days, and when Henry Clay was one of its shining lights, Mr. Clay visited Vermont. The writer has not been able to find even a printed sketch of that visit but have obtained an accurate account of it from Edward C. Loomis, a life long resident of Burlington, Vt. Mr. Loomis, whose recollections of the visit are clear, was an admirer of Henry Clay, and has voted for Presidential electors at the last eighteen Presidential elections. Henry Clay came to the State by way of The Thousand Islands and

Montreal. A committee appointed for the purpose by the citizens of Burlington met their distinguished visitor at St. Johns, Canada, and came up Lake Champlain to Burlington in the boat "Phœnix," and as he landed at the wharf, crowds pressed towards him to get a fair view of him or to shake hands. Before he left the wharf an amusing incident took place. Edward Higby from the town of St. George, an active town politician, and an enthusiastic Whig, and a great admirer of Clay, climbed a board pile to get near the person of Clay, and as he reached out his hand toward him, a board on which Higby stood gave away and would have sent Higby head long to the ground, had not Clay, who saw the fix that Higby was in, placed his foot on the board to keep it from sliding and grasped Higby by the hand. As Clay placed his foot on the board Higby was shouting at the top of his voice. "Henry Clay saved his country twice," as he got so far Clay grasped him by the hand, and Higby closed his sentence by saying, "and Lewis Higby once by——."

When the citizens of Burlington learned that Clay was to give the town a visit a cavalry company of 80 men were hurriedly gathered, uniformly dressed in white pantaloons, vests and coats and plug hats, that served as an escort while Clay was in town. He was escorted to the Hotel of John Howard on the north side of what was then called "Court House Square," where Clay addressed the throng. He was then escorted to the dwelling house of Horace Loomis on the north side of Pearl Street where he remained over night as the guest of

Horace Loomis. The next day he attended the commencement exercises of the Vermont University at the old White Street Church. As the procession came from the college down Pearl Street, they stopped at Loomis's where Clay and his escort joined the procession and walked to the church. James Clay was with his father on this tour. In the evening of the same day a reception was held at the house of Samuel Hickock on the north side of Main Street opposite of the present site of the VanNess House. At ten o'clock that evening Clay left Burlington, accompanied by the Committee in the boat "Congress" amid the deafening shouts and good wishes of the people, as the boat moved up the lake towards Whitehall.

Henry Clay gave Horace Loomis, whose guest he was, a cane that was cut by Clay from his Ashland, Kentucky homestead. The cane now is in possession of Edward C. Loomis, the son of said Horace Loomis, and is highly prized.

CHAPTER III.

DISTURBANCES AND BRITISH AGGRESSION ON THE NORTHERN FRONTIER FROM 1791 TO 1798 AND VERMONT'S PART THEREIN.

It has been stated in Volume II of this history, there was, after the treaty of peace between the United States and Great Britain considerable irritation created on the northern frontier and especially in Alburg growing out of the British troops continuing to occupy some points within the jurisdiction of Vermont and there interfering with the duties of Vermont's officers under the laws of the State.

In considering the disturbances on the northern frontier with the British and the Indians, it will not be devoid of interest to relate more fully the nature and extent of the difficulty. Perhaps it was natural that the haughty British nation should look with disdain upon young America that had compelled her to grant to the Colonies an independent power, and to be extremely watchful that American citizens did not tread upon their rights or interfere with their pride.

In 1784, British garrisons were maintained from Ogdensburg easterly on the frontier in New York and northwestern Vermont, even as far south on

Vermont soil as North Hero at Dutchman's Point, and that a Britished armed sehooner, with a full complement of sailors, gunners and marines, was stationed at Windmill Bay between Alburgh, Vt. and Point au Fer in New York, and its commander had supervision of all boats passing through the Lake in any direction, co-operating with the garisons which the British had materially strengthened in 1791. All this looked, at least, as though they did not intend to live on terms of friendship with the people who lived on territory that had been wrenched from their grasp. Alburgh had been chartered to Ira Allen, February 23d, 1781, but had no legally organized government until June 7, 1792, when the people met and organized as a Vermont town. Congress had made Alburgh a port of entry but no serious disturbance had been created previous to 1792, as the act creating the place as a port of entry and making a place of residence for the collector of the district had not been put in force by Secretary Hamilton, but soon after interference by British officers commenced and continued with great annoyance till late in 1794. The difficulty was on the question of jurisdiction. When Canada belonged to France the jurisdictional line was latitude 45° north. And this line in 1776, had been agreed upon by Sir Henry Moore, then Governor of the Province of New York and Brig. Gen. Guy Carleton, then in Canada, and this line was acknowledged by Great Britain in the treaty of 1783 to be the northern boundry of the United States so far as a part of New York and Vermont were concerned. For

Great Britain to maintain posts south of this line after 1783, was, clearly an infraction of that treaty, and this was finally admitted by the representatives of Great Britain, but they excused themselves for their course, and the exercise of authority south of that line on the ground, as they claimed, that the United States were at the same time violating some other articles of the treaty. On this question, that the facts may appear, it will be necessary to state that, on the first day of November 1744, the King of France had granted the township of Alburgh to Francis Focault; that after the conquest of Canada by Great Britain this grant had been confirmed by the King; that the title had passed from Focault through Gen. Haldimand and Henry Caldwell to John Caldwell—all British subjects; and that at the time of this controversy many citizens of Caldwell (now Alburgh) were in possession of their lands under the Caldwells, either by deeds or leases, and the British claim was that the title in Focault's successors was good. It has been stated that Alburgh had been granted to Ira Allen by Vermont. Henry Caldwell wrote Governor Chittenden from Belmont near Quebec on March 20, 1785, and said he had had frequent conversations with Col. Ira Allen respecting his property to the southward of the Province of Canada and he had stated that his claim was founded on a late grant from Vermont in consideration of his services rendered and expenses paid in the interest of the State, but that he was willing to relinquish his claim provided he got an equivalent from the State or elsewhere.

Caldwell said it was in vain for him to contend with Allen in the courts of law in Vermont, for, he said, land granted by her Legislature, in fact is, and must be considered by the Courts of Vermont a legal title which nothing but an act of the Legislature could annul. Caldwell in his letter requested the Governor to lay his letter with an attested copy of the original grant before the Legislature in June 1785, and insisted that the grant was older than the State, and older than the members who composed its Legislature, and that it was confirmed by the capitulation in the British Conquest of Canada and by the treaty of peace between France and England in 1763. He stated that his situation was like that of Vermont in respect to New York, even if the French government had no right to grant lands southward of the line of 45°; and claimed he had paid dear for his land southward of that line and been at considerable expense in settling them, and desired the Legislature should bring the matter home to themselves that they might feel the injustice they were about to do; that they might conceive what his feelings would be if they should deprive him of so considerable part of his property.

The fifth article of the treaty of 1783, stipulated, "That the Congress shall earnestly recommend to the Legislatures of the several States, to provide for the restitution of all estates, rights and properties which have been confiscated belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of His Majesty's arms,

and who have not borne arms against the United States." Great Britain insisted that this article had been violated by the United States, and John Jay, Secretary of foreign affairs, took the same view in a letter to Congress, but all British subjects did not take that view. When Governor Chittenden had Alburgh organized as a Vermont town in 1792, Henry Caldwell regarded it as fatal to his title; Lord Dorchester and the British minister who took part in the correspondence on this disputed matter, regarded the action of Vermont as dangerous to the Caldwell title. Governor Chittenden thought he had strong reasons for asserting the jurisdiction of Vermont over that town. By an act to which Lord Dorchester himself was a party in 1766, the town was severed from Canada and became and remained a part of New York *in law*, until the controversy, between Vermont and New York had been settled, and it was assigned to Vermont by the resolution of the Continental Congress of August 20, 1781, to which New York consented in 1790, and Great Britain confirmed it to Vermont by the treaty of 1783, and Congress confirmed it by the act of 1791, which admitted the State into the Union. By the agreement entered into between the Vermont and New York Commissioners in settleing the controversy between the two States the boundary line between them extended to the 45° degree of north latitude. Therefore, Governor Chittenden in 1792, had a perfect right to maintain the jurisdiction of Vermont and to assert that the establishment of civil government there had no bearing

upon the legal rights of the citizens of the town or British subjects claiming or possessing land there, as the former had ample remedy in the State Courts, and the latter under the treaty of 1783, and the federal constitution, in the Courts of the United States. These remedies were afterwards resorted to by Caldwell and Herman Allen who purchased and become successor to Caldwell's rights, in a part of the lands of the former. They failed in their litigation as the land holders won in the Courts of Vermont, on the ground they had gained a good title to their lands by long possession. This question arose and was decided in the case of the University of Vermont against Reynolds reported in the third Vermont Reports on page 542. Thus Governor Chittenden was clearly justified in spiritedly resenting the intrusion of British troops. Strong as was the appeal of the Caldwells to the sympathy and generosity of the State, the relief asked could not be granted.

In view of what has been said the reader will be better able to judge as to whether the civil officers of Vermont or the British troops and British authority were in the wrong in the disturbances which followed, that we will now proceed to relate and that came near to actual war.

In 1792, a writ had been issued in favor of a Mrs. Grant against Patrick Conroy of Alburgh in the County of Chittenden, that was delivered to Enos Wood, Deputy Sheriff, to serve; that on the 8th day of June 1792, the Deputy went to the house of Conroy in Alburgh and made an attach-

ment of his cattle. One Michael Youmands who appeard to be there in the interest of Conroy, called for the people in the house to get his pistol, and declared that the Deputy should not take Conroy's cattle; that Enos Wood, the deputy, ordered Benjamin Butler and Captain Hutchins of North Hero and Nathaniel Wood of Georgia, who were present, to take charge of said Youmands and assist in driving the cattle to the Tongue or Alburgh. They took charge of Youmands as directed, but released him on his promising good behavior and to be humble and not hinder the Deputy, and engage some one to receipt the cattle attached. When Enos Wood and his assistants arrived at the Tongue with the cattle they were overtaken by Youmands, and a party of armed British officers and soldiers under the command of Captain DeChambeault of Point au Fair, who threatened violence to Butler and commanded the Deputy and his assistants to desist from driving away the cattle, and would fire Butler through if he moved one step; that the Deputy Sheriff, Butler, and Nathaniel Wood were taken to Point au Fair and from there to St. Johns by a British escort and there imprisoned in the guard-house for two days; the Deputy in order to obtain his liberty was obliged to procure one John Furgerson to pay in his behalf three pounds Halifax currency to pay for two calves taken by virtue of the attachment; that when the Deputy was at Alburgh his writ of attachment was taken and detained from him. The above related facts were substantiated by the affidavits of Enos Wood, Nathan Hutchins and Benjamin But-

ler, taken before Justices of the Peace in June 14, 15 and 16, 1792.

On June 12, 1792, Benjamin Marvin of Alburgh, while employed in his own private business, was beset by an armed British force from Point au Fair, conducted to said Patrick Conroy's of Alburgh, and was questioned as to whether he was acting as a Civil Magistrate, and on his stating he was acting as Magistrate and under Governor Chittenden's instructions, and that he considered himself as an inhabitant of the State of Vermont, and in duty bound to follow the duties of his office, was ordered into custody of the British force and conducted to the house of Samuel Mott, Esq. of Alburgh, before the British commanding officer of Point au Fair, who informed him he would send him to Quebec. He was immediately taken to the said house of Patrick Conroy, and on their way there took two horses belonging to the Constable Joseph Mott and took them to Point au Fair. The proceedings, after Marvin was taken to Conroy's were stated by Marvin in his affidavit to be as follows:

"Soon after we arrived at Conroy's where I was detained some hours in the course of which time we conversed much on my official conduct which I informed him of very particularly and likewise my instructions from his Excellency Governor Chittenden; he then requested that I would show him those instructions which I accordingly did; he took and examined them, and then replied that he must forward them to his Excellency Governor Clark at Quebec. I desired him to return them to me as I considered them my right, but he positively refused

and offered me a copy which was taken and attested as a true one by the commanding officer and delivered it to me. The officer then informed me that instead of taking me to the Point as before observed, he was willing to take my parole for the term of twelve days with directions not to officiate till then in my office, which was accordingly done, and I was permitted to return to my own house; he then told me he had positive orders to warn me and Samuel Mott, Esq., to leave that place in the course of two months. The day following, having occasion to go up the Lake, I called on the commanding officer at Point au Fair (which I considered myself under obligation to do in consequence of my parole) notified him of my wish which he consented to, and then showed me his orders directing him to oppose and take into custody any officer acting under any other power than that of Great Britain within those limits which are now known and distinguished by the name of Alburgh."

Captain Timothy of South Hero, then a town in the County of Chittenden, on the 12th day of June, 1792, while on his way down the Lake in a boat in company with several others, was hailed by the Maria, a British armed vessel, and was taken, examined and permitted to pass on.

The British authorities were conscious that they were infringing upon the jurisdiction of Vermont, for, when the Canadian authorities issued their writs for the election of a member to their Legislature in the County of Bedford, they did not summons any person south of the Province line of 45°; and they knew the laws of Vermont were then

being enforced in Alburgh to said line. The affidavit of Benjamin Marvin taken before Ebenezer Marvin, Councillor at Rutland on the 18th day of October, 1792, puts the matter in a clear light. It is as follows:—

'In the month of June, 1787, I went to live at Alburgh otherwise then called Caldwell's Manor, about five miles from the garrison at Point au Fair and south of the line commonly called the Province line or latitude 45° about three miles; at which place I have ever since lived, and at which time there was no kind of civil or military government exercised among the people of the place, except what was derived from ourselves by rules adopted by us in meetings of our own vicinity by which we banished thieves and other criminal offenders, and enforced by other rules in compliance to awards of arbitrators in civil disputes and when persons were banished from the Province of Canada and were brought to the line and suffered to come into our vicinity, we drove them from us. Some years had elapsed from the settlement of the place when Mr. Caldwell came amongst us and gave militia commissions to Captains Conroy and Savage, and Subaltern's for two militia companies in that place now called Alburgh, with a promise that the British civil government should be put in force among us, and we protected as British subjects; and Patrick Conroy who then lived north of the line of latitude 45° and was in commission of a Justice of the Peace in Canada, not long after, moved south of the line amongst us and issued some few precepts and took some affidavits, if a

trial was had before him he went north of the aforesaid line to hold his courts, but the inhabitants still kept up their old mode of government as derived from our own resolves as above-said without regard to Mr. Conroy till we voluntarily organized and chose our officers by order of the Governor under the laws of the State of Vermont: and the militia officers above named never did act under the authority of their commissions except in one instance, viz: in February or March in the year 1791, Captain Conroy ordered his company to meet together south of the line, and in consequence of his orders issued for that purpose, they in part convened, and I think about one-third part of them embodied by his order, when some matters took place which occasioned Captain Conroy to step into a sleigh and ride off north of the line without dismissing his company or giving them any orders, at which time some of our people advertised him as a runaway from his company and offered as a reward for his return, one peck of potatoes; no other orders or after orders of the British government has been heard of amongst us except the taking of our persons and property by the British forces at Point au Fair in June last past—and I the deponent further say in my opinion the nearest part of land in Alburgh is about two miles and one-half from the garrison at Point au Fair, and the deponent saith that civil government under Vermont is now executed without any resistance, and also that the late writs for warning the people in the County of Bedford north of the line and adjoining Alburgh were not served in Alburgh;

nor were any of the people in Alburgh ever warned to attend their elections that I ever heard of."

On June 10, 1792, Governor Chittenden by letter bearing date at Williston, requested Joshua Stanton to go to Alburgh and procure authentic information as to troubles there, just narrated, the affidavits referred to were taken by his direction, and he charged Stanton to call on Benjamin Marvin and Samuel Mott of Alburgh and request them to furnish information in writing whether the inhabitants of that town had organized agreeable to the orders he had given, and what the appearance and dispositon of the people were with respect to the government. The Governor, also, on June 16, 1792, addressed a letter to Governor Clarke of the Province of Quebec, stating to him that a British Captain with an armed force left his post and penetrated eight or nine miles within the acknowledged jurisdiction of Vermont and informed him of their lawless, and injustifiable conduct, and said to him, "these are transactions that have taken place by the Command of DeChambault, Captain at Point au Fair within a few days past. —I feel myself therefore obliged immediately to request from your Excellency an explanation of this unprecedented conduct and unprovoked insult upon the government of Vermont, or at least, to know whether it has been done with your Excellency's knowledge, direction, order or approbation." Governor Chittenden sent Levi Allen to Quebec with the letter together with affidavits substantiating his charges. And on the same day he also wrote President Washington, giving him

full information of what had taken place within the jurisdiction of the United States, and that he had written to Governor Clarke concerning the flagrant breach of the laws.

Alured Clarke, Governor of the Province of Canada, on July 5, 1792, from Quebec, replied to Governor Chittenden's letter delivered to him by Levi Allen, stating that Chittenden's representation led to questions beyond the sphere of his trust, and that he could only give command for investigation on subjects of such importance to the peace of the border, and if information showed that it affected points that belonged to national discussion the matter would be for the consideration of the sovereignty he served. And he presumed that Chittenden would refer the matter to the power "to which the State he governed was reputed to be subordinate, and trusted in the wisdom of the negotiations and counsels of the sovereignties concerned for the maintenance of the faith of treaties, and preservation of the common tranquility."

On July 9, 1792, Thomas Jefferson wrote Gov. Chittenden from Philadelphia that, "I have the honor to enclose you sundry papers communicated to me by the British Minister residing here, which have been duly laid before the President of the United States, and further to solicit from your Excellency information as to the facts therein stated, and while I am authorized to assure you that the government is proceeding sincerely and steadily to obtain by the way of negotiation a relinquishment of our territory held by the British,

I am at the same time to press that no measure be permitted in your State, which, by changing the present state of things in districts where the British have hitherto exercised jurisdiction, might disturb the peaceable and friendly discussion now in hand, and retarded, if not defeat, an ultimate arrangement."

In which letters was inclosed a letter written by Geo. Hammond a person representing the British interests at Philadelphia, as follows:

"I have the honor of submitting to your consideration copies of certain papers, which I have received from Canada. They contain information that some persons, acting under the authority of the State of Vermont, have attempted to exercise legal jurisdiction within districts now occupied by the King's troops, and have committed acts of violence on the persons and property of British subjects residing under the protection of his Majesty's Garrison.

"At this period, when the grounds of the subsisting differences between our respective countries are becoming the subjects of serious and temperate discussion, I cannot but entertain the strongest confidence that the general government of the United States will entirely disapprove of the violent conduct observed by the State of Vermont upon this occasion, and will in consequence thereof adopt such measures as may be best calculated to prevent a repetition of it in future."

Also there accompanied Hammond's letter a copy of the warning issued by order of the Governor signed by Samuel Mott and Benjamin Marvin,

two Justices of the Peace of Alburgh, warning the inhabitants to meet and "choose such civil officers as the law directs in the State," with a copy of an order issued by Elijah Paine, Judge of the Supreme Court, as follows: viz.

"State of Vermont.

To the Sheriff of Chittenden County or either of his Deputies—Greeting.

Whereas by the complaint of Samuel Hitchcock Esquire Attorney General of the State, we are given to understand that Patrick Conroy of Alburgh in the County of Chittenden hath for some time past used and exercised the office of Justice of the Peace at Alburgh in the County of aforesaid without any legal warrant, lawful authority or right whatsoever, and hath claimed and still doth claim without any legal warrant, lawful authority or right whatsoever to be a Justice of the Peace at Alburgh aforesaid and to use and exercise the said office of Justice without any legal warrant, lawful authority or right whatsoever, but the same hath usurped and still doth usurp to wit, at Alburgh aforesaid, in contempt of the State and to the prejudice of the Dignity of the same. Therefore by the authority of the State of Vermont you are hereby required to make known to the said Patrick that he appear before the next Supreme Court to be holden at Burlington in and for the County of Chittenden on the fourth Tuesday of August next, to show cause, if any he have, why an information should not be filed against him the said Patrick for thus as it is said illegally exercising the said office of Justice of the Peace within

said County, to wit, at Alburgh aforesaid. Hereof fail not and make due return. Dated at Burlington this fifteenth day of May one thousand seven hundred and ninety-two;" also a copy of Minard Yeomans affidavit setting forth what he claimed took place on the occasion of the attachment of Patrick Conroy's property.

On July 12, 1792, Thomas Jefferson wrote again to Governor Chittenden in which he stated. "I must renew my entreaties to your Excellency that no innovation in the state of things may be attempted for the present. It is but lately that an opportunity has been afforded of pressing on Great Britain our rights in the quarter of the posts, and it would be truly unfortunate if any premature measures on the part of your State should furnish a pretext for suspending the negotiations on this subject. I rely, therefore, that you will see the interest even of your own State in leaving to the general government the measures for recovering it's rights, and the rather as the events to which they might lead are interesting to every State in the highest degree."

There accompanied Jefferson's letter, Gov. Chittenden's instructions for the organization of Alburgh which was as follows: viz.

"Williston, 16th May, 1792.

"The Constitution and laws of the State require the executive officers of government to carry into effect the laws and government of the same.

"It is therefore incumbent on you as Civil Magistrates to execute your functions and cause town officers to be appointed and sworn to a faithful

discharge of their duty; it is incumbent also on the people to assist you to form such regulations in the town of Alburgh which is now unquestionably established within the bounds of this and of the United States of America, and under the government thereof.

"In case there are any of the inhabitants of said town that have sworn allegiance to the King and Government of Great Britain, such obligations cease with the government and can be no objection to a submission to the laws of this and the United States.

"Would those people choose to be under the British government, they must move within its limits, otherwise they ought to submit to the government of the State in which they live.

"Your humble servant. (signed)

THOS. CHITTENDEN.

"N. B. If your people refuse to pay attention to the above requisition I cannot think it will be long before this government will call on them in a different way to submit to the laws thereof. Should they be put to the necessity of taking so disagreeable a measure, I should not think strange should they be obliged to pay up all the back taxes, since you were represented, as some towns in this State in like circumstances have done.

(signed) T. C.

"*Messrs. Marvin and Mott Esq. and People of the Township of Alburgh.*"

Also was enclosed a copy of the writ on which Patrick Conroy's property was attached. The two governments took the controversy under

consideration, but the discussion between the U. S. Secretary of State and the British minister was temperate until 1794, In Vermont, matters in reference to the controversy, stood in *statu quo* on both sides without any more serious difficulty till 1794, the British troops holding their posts, and the people of Alburgh going on peaceably as an organized Vermont town. But the two nations were drifting rapidly towards war. On February 10, 1794, Lord Dorchester, then Governor-General of Canada, declared that he would not be surprised if there should be war with the United States in the course of that year, and the movement of both nations indicated that might be the result.

On April 16, 1794, John Jay was nominated as an envoy extraordinary to Great Britain. At this time President George Washington said the aspect of affairs was serious and expressed himself in favor of a friendly adjustment of our complaints and reluctant to enter into hostilities. As the government had Great Britain to deal with, it was thought prudent to prepare for war, and on May 9, 1794, Congress authorized the President to detach eighty thousand troops from the militia for service in any emergency; and orders were at once issued therefor by the President. The British were more than commonly insolent, but under great provocation the Governor of Vermont and her people did not retaliate, but waited patiently for the action of the national authorities and respected the advice and policy of forbearance of President Washington.

In response to the requisition of President

Washington under the act of Congress of May 9, 1794, Gov. Chittenden, on the 21st of June 1794, ordered a detachment of three regiments of Vermont militia numbering 2129, to be held in readiness as minute men, one regiment of which were to be furnished from Maj. Gen. Ira Allen's division. On May 30, 1794, he had ordered the militia of Alburg and the neighboring islands to be organized as an entire regiment which surrounded the British garrison on North Hero. Evidently war was expected. Of course a dash could have been made and the British swept from the Vermont soil, but it would have brought on a certain protracted bloody conflict. Wiser counsels prevailed, though the war spirit ran high. The following appeared in the Vermont Gazette of May 2, 1794, "boats trading from the United States to Canada are detained and the men insolently refused permission to return," with the following comment, "Pride goeth before destruction and a haughty spirit before a fall." In the Farmer's Library of Rutland of May 27, 1794, there appeared the following: "The British have just completed a brig at St. John's mounting 12 guns; the brig is in every way completed and well manned, and is now stationed at Point au Fair on Lake Champlain, and a very large row galley is now building at St. John's; and that the garrison at Montreal was immediately to be strengthened by the addition of a regiment of his Majesty's troops from Quebec." Information was obtained from Lansingburgh by letter of June 10, 1794, "that great preparations were making under the pretense of defending the Canadian's

from being plundered by the Vermonter's. * * * The forts are being put in a state of defence and many boats are building, and one of seventy oars was launched last week, alleged to be for carrying provisions. * * * Ten thousand troops were expected to arrive from Europe * * * and Lord Dorchester was daily looked for from Quebec, to review the troops, militia, and forts."

Royal Corbin of Alburgh, in his letter to Governor Chittenden of Aug. 18, 1794, asking protection from British injuries and insults, said:

"The repeated injuries and insults this vicinity has suffered from the British, while in a time of peace, and within the jurisdiction of this State, are so glaring, and so very frequent, as to arouse the indignation of every one who has the smallest tincture of Republican blood, circulating in their veins.—The peculiar situation of my business, being in the merchatile line, and consequently having much necessary call to pass your Lake Champlain up and down, as well as across, subjects myself to daily abuses from an armed vessel—and my property to an unjustifiable seizure and detention.—I am not suffered to pass southward to Isle la Motte —because they alleged I am within their lines, and must apply to the ship, for liberty. Neither am I allowed to pass to or from, St. John's, although within their lines—so I am deprived of every advantage a citizen of every State ought to enjoy, as your Excellency will be pleased to observe."

Corbin's representations were supported by several affidavits.

On March 10, 1794, the British Minister had

complained to the Secretary of State that outrages had been committed by Vermonters. Lord Dorchester had been endeavoring to stir up the Indians to aid the British against the Americans in case of war, and on May 20th, Edmond Randolph, Secretary of State, in spirited and peremptory terms called upon the British Minister to explain the belligerent speech of Lord Dorchester to a council of hostile Indians, and called his attention to the hostile movements of Lieut. Gov. Simcoe of Upper Canada with British troops to build a fort at the lower rapids of the Miami. George Hammond on May 22, 1794, after quoting from Lord Dorchester's speech, said:

"It is manifest that Lord Dorchester was persuaded, that the aggression which might eventually lead to a state of hostility, had proceeded from the United States: and so far as the State of Vermont, *to which I presume his lordship principally alluded*, was implicated, I am convinced that that persuasion was not ill-founded, * * * I assert with confidence that not only those encroachments have never been in any manner repressed *but that recent infringements in that quarter, and on the territory in its vicinity, have since been committed.* * * * In regard to your declaration that 'Governor Simcoe has gone to the foot of the rapids of the Miami, followed by three companies of a British regiment, in order to build a fort there'—I have no intelligence that such an event has actually occurred. * * * Before I conclude this, I must be permitted to observe that *I have confined* [*complaints*] *to the unrepressed and continued aggres-*

sions of the State of Vermont alone, the persuasion of Lord Dorchester, that they were indicative of an existing hostile disposition in the United States against Great Britain, and might ultimately produce an actual state of war on their part."

Secretary Randolph called for the facts from Gov. Chittenden, which he gave and are embraced in the following extracts from a letter of Gov. Chittenden of July, 1791, to Secretary Randolph, viz:

"'The letters you refer me to, written by your predecessor [Jefferson,] in consequence of complaints exhibted to him by the British Minister, urging the prevention of all movements which might tend to disturbe the harmony, subsisting between the United States and Great Britain, I can with truth say, have been strictly adhered to by the government and the citizens of this State; in every requisition.'

"His next is an observation of pointed regret at these complaints: and he then goes on thus:

"'Before the reception of the above mentioned letters, written by your predecessor, I had forwarded a particular statement with affidavits, relative to the complaints in said letters exhibited, directed to the President of the United States, to which I beg leave to refer you; by which statement and affidavits is most manifestly made to appear that British subjects had less cause of complaint than those of the United States. No just cause of complaint hath come to my knowledge, of any abuses done or committed by any citizens of this or the United States, to British subjects as

such: or of any infringements being made on garsisons, territories, or jurisdictions, which British subjects have ever made any serious pretensions to in this quarter.'

"After a remark, relating to those who "pretend personal grievances," and a suspicion that the situation of the British garrisons is not generally understood at a distance, the remaining passages of his letter are the following:

"Therefore in order to understand the force of the complaints it is necessary to premise that the only British garrison now established within the limits of Vermont is a place called Dutchman's Point, composed only of about twelve men, situated on the north end of the North Hero, twelve miles south of the latitude line. This garrison does not pretend to hold or keep jurisdiction over any land within this State other than a few acres on which their garrison is situated.—And indeed citizens of this State are settled quite in the neighborhood of said garrison, on every direction, and they are intimate with each other without any difficulty to my knowledge.

"That part of the tract called Caldwell's manor, which lies within the bounds of this State, hath long since been chartered as a town by the name of Alburgh—And the inhabitants thereof are incorporated as citizens, with all the privileges of other towns within this State and have long since been in the peaceable possession of the same. With regard to the recent instance of misdemeanor committed on the officer of the crown by the capture of a small party (said to be made) on British

subjects, in pursuit of a deserter before Dutchman's Point as complained by Mr. Hammond—The circumstances which probably gave rise to the assertion are as follows, to wit: four armed men and in the common dress of the citizens of this State, appeared some time last winter in the town of Sheldon, alias Hungerford, within this State (a place about twenty miles distant from any place ever known or pretended to be claimed by British subjects) in disturbance of the peace—there made a violent assault upon the body of one John M'All, an inhabitant of that town, and then being in the peace of God and the State, in consequence whereof, in defence of the public peace, the said four men were taken into custody by a constable, and agreeable to the civil laws of this State convicted of breaking the peace, and accordingly fined.—It is said they were British subjects, which I am willing to admit—But that they had any authority as such from the British nation, to break the peace of this State within the known and acknowledged bounds of the same, did not appear from any credentials which they produced, nor does it yet appear—But the contrary I believe to be true, therefore as persons under the common protection of that government, they have been holden to respond for their breach of that protection, according to the civil law.

"From the above statement it is conceived that Mr. Hammond's complaint of the capture before Dutchman's Point, is ill founded and unjust. Of this you may be assured, that every attention has been paid by me to prevent all the movements

which may tend to thwart the friendly negotiations now taking place between the two powers; and I have pleasure to say, that nothing hath hitherto transpired, wherein I can think myself or any of the citizens of this Sate culpable.

"And of this you may be further assured, that every precaution and means within my power will still be used to ensure the continuation of all good harmony, between citizens of the two governments."

This communication from the governor of Vermont led Secretary Randolph to say, "that it leaves no room for comment on my part; although to contrast it, sentence by sentence, with the representations which have occasioned it, would afford grounds more and more striking, to apprehend, that the Governor-General of Quebec has been mistaken."

On the appointment of John Jay as minister to England, the negotiations on the whole controversy were transfered to London, where an agreement was reached. John Jay, Envoy of the United States, wrote to the Secretary of State, Thomas Jefferson, from London under the date of July 12, 1794. "We had an informal conversation relative to Simcoe's hostile measure. We concurred in opinion that during the present negotiation and until the conclusion of it all things ought to remain and be preserved in *Statue quo*—that therefore both parties should continue to hold their possessions, and that all encroachments on either side should be done away—that all hostile measures (if any such should have taken place) shall cease and that

in case it should unfortunately have happened that prisoners or property have been taken the prisoners shall be released and the property restored. And we have agreed, that both governments shall immediately give orders and instructions accordingly."

Henry Knox, Secretary of War, wrote Governor Chittenden, Oct. 7, 1794, "that the agreement which it specifies should be duly observed as it respects the frontiers of Vermont. The *statu quo* as it existed immediately after the peace of 1783, is to be inviolably observed. All encroachments since that period are to be abandoned."

In view of all the foregoing facts and what subsequently appeared, the said agreement of Jay at London, "that both parties should continue to hold their possessions," was a give away so far as it applied to the frontier of Vermont south of the line of 45°, as the Vermont government and her citizens did not exercise any jurisdiction over any territory or property north of that line. And it could be justified only on the ground to avoid the immediate clash of arms, and to give an opportunity for further negotiations on the subject. It is quite evident that England had no jurisdiction or rights south of that line. If the organization of Alburgh in June, 1792, was in violation of the treaty of 1783, then the continuance of that organization, by representation in the Vermont legislature, and the appointment of Magistrates for the town by that body, in 1794–5, was in violation both of the treaty of 1783 and the agreement of John Jay in 1794, but no complaints had been made against

the Vermont government or the National government in this matter, and, therefore, it is fairly presumable any claim south of that line was not insisted upon, and Governor Chittenden was sustained in every particular. Even farther west the British abandoned their assumed jurisdiction. As late as Aug. 20, 1794, General Anthony Wayne fought a fierce battle near Fort Miami that Simcoe had built. In this battle Gen. Wayne had to contend against Indians and Canadian militia and Volunteers, the latter armed with British muskets and bayonets, and three British officers were on the battlefield at a respectable distance. In this victory a Vermont company bore their share. On Aug. 22, 1794, Gen. Wayne totally destroyed houses and cornfields above and below the fort, including the houses, stores and property of Col. M'Kee, the principal British stimulator of the war then existing between the United States and the savages. Under Jay's treaty of amity, commerce and navigation, concluded on Nov. 19, 1794, and proclaimed Feb. 29, 1796, by the second article of which the British posts in the United States were evacuated on or before the first day of June, 1796.

After Vermont became a State of the Federal Union in 1791, there were three regiments added to the National army under the act of Congress of March 5, 1791, and President Washington assigned the first company of the third of these regiments to Vermont, and appointed William Eaton of Windsor Captain, James Underhill of Dorset as Lieutenant and Charles Hyde of Poultney, Ensign. A recruting office was opened at Bennington about

the first of May, 1792, by Ensign Hyde, and under the spurs of glittering promises of glory and fervid appeals, the ranks were soon filled and the company departed for the seat of war by the 31st of August following. The enlistments were for three years with a bounty of eight dollars for each recruit; the privates to have the monthly pay of three dollars. It was stated at the time by those who saw a number of the other companies, that Captain Eaton's company was by far the best who marched from any rendezvous whatever, and they left Bennington in good spirits and with that military ambition that becomes a soldier. Captain Eaton was a brave and capable officer but severe in his discipline. He was President of a Court Martial at Albany, on the 26th of May, 1792, when a private in a New York company was found guilty of desertion and punished by one hundred lashes. On Aug. 7th, a private in Eaton's company attempted to force the guard and was shot dead. The company reached Lancaster, Pa., on its way to join the army under command of Gen. Anthony Wayne that was at Pittsburgh on Sept. 20, 1792; and at that date Captain Eaton wrote to a friend at Bennington that, "not a single man has attempted to escape me since I left Bennington, and I have the reputation of marching the best company of recruits that have passed through the country," and that Ensign Hyde has had a very handsome compliment paid to his abilities, in receiving from the war office an appointment of Judge Advocate General of the United States Army.

The Vermont company joined Wayne at Pittsburgh on Oct. 22, 1792, and the succeeding summer was spent in organizing and drilling the army, for fighting Indians, on a plan prescribed by President Washington, and in endeavors to negotiate a peace with the Indians. Wayne, failing in these negotiations, advanced eighty miles north of Cincinnati and there erected a fort on the site of Greenville, Ohio, where he remained till the spring of 1794.

On Sept. 22, 1793, Captain Eaton wrote, that, "the Indians are collected in large numbers at the site of Fort Defiance and are determined to meet us on our route—they are elated with their former success [in the defeat of St. Clair]—they are resentful, determinate and laugh at the idea of our approaching their towns. These circumstances concur to make them less contemptable as an enemy. That they will fight with desperation, we expect—and God grant they may have enough of it. We are well desciplined and well reconciled to the expedition, and whatever may be our success, I will venture to assure you, that we shall not fly. Our business will be serious and decisive provided we are engaged of which I have not a doubt." He stated, also, in his letter, that Thomas Avery and Benjamin Coburn of his company had died, and that "they were excellent soldiers, and I consider their death a very great loss in my company,—but death is arbitrary." About the first of January 1794, a part of Captain Eaton's company, advanced into the Indian country about thirty-five miles from Greenville and met a large party of In-

dians, suprised and routed them, but the loss of the company was three killed and one wounded. About this time the company was out in skirmishing and scouting parties, and in gathering and burying the bones of those who were killed in St. Clair's defeat, and in reconstructing Fort Recovery on that disastrous battle ground.

The Vermonters were engaged in the decisive battle near the British fort Miami on Aug. 20, 1794. In that battle, James Underhill had succeeded Eaton as Captain, and the Vermont company was in the fourth sub-legion that lost in killed fourteen men, five of which were from Captain Underhill's company. The fact, that five of the fourteen killed in that sub-legion, were from the Vermont company, is proof that the Green Mountain Boys were in the thickest of the fight.

An act of Congress of May 9, 1794, directed a detachment from the militia of eighty thousand men to be organized, armed and equipped and held in readiness to march on a moment's warning in the service of the United States. 2,139 of those men were assigned to Vermont. And on May 19, 1794, President Washington issued his requisition to the Governors of the several states to use the most effectual means for making the neeessary detachment. Governor Chittenden took immediate measures to raise the men and the work was promptly done, but the men were not called into actual service. In anticipation that these militia would be called into active service by the general government, the Vermont Legislature, Oct. 30, 1794, passed an act raising the monthly pay to

forty shillings to each private and a larger sum to the officers of the company. This was a precedent for the giving the extra State pay to volunteers from Vermont in the United States service in the war of the rebellion.

During the administration of John Adams a requisition for men was made under the act of Congress of June 24, 1797; and under that requisition Governor Tichenor issued orders for the detachment of three regiments of Vermont militia, numbering in all 2,150 men to be under the command of Big. Gen. Zebina Curtis of Windsor, but these men were not ordered into actual service.

By an act of Congress of July 16, 1798, twelve regiments were added to the U. S. Army, making the army composed of sixteen regiments of which George Washington was to have the command as Lieutenant General. The 16th regiment was to be filled by enlistments in New Hampshire, Vermont and Rhode Island, and of these, Vermont was to furnish three companies. Enlistment offices were at once opened at Westminster, Newbury and Burlington, and the rendezvous for the State was at Westminster under the command of Major Cornelius Lynde of Williamstown; Captains and Lieutenants were appointed. None of these 12 regiments were filled and only 233 men were enlisted for the 16th regiment; and in February, 1800, enlistments were suspended, and the army reduced to four regiments. It has been seen that when Vermont sought to establish her independence her brave sons stood forth against the unjust claims of New Hampshire, Massachusetts and

New York for her territory, and rather than submit to the grasping and intolerant power of New York, they were determined to maintain their independence by force against the federal power. But when she became one of the States of the Federal Union, she was ready and willing to furnish her share of men and money against aggressive foreign powers and to maintain the honor of the nation.

CHAPTER IV.

ACCEPTANCE AND RESIGNATION OF OFFICIAL POSITIONS—EXTRADITION OF FUGATIVES FROM JUSTICE—COLONIZATION SOCIETY—SLAVERY.

In the closing years of the eighteenth century there were several notable resignations of men from public office—some on account of the infirmities of old age and some to take other and higher positions. *Samuel Knight*, on Oct. 19, 1791, in accepting the appointment as Chief Justice of the Supreme Court of Vermont, said, "I am convinced from experience I have had for two years past, that the office of Judge of the Supreme Court is attended with many and great difficulties, and that the number of persons completely qualified to fill that place are very few, among which number I cannot claim to be reconed." And on retiring from the office of Chief Justice he addressed the General Assembly on Oct. 15, 1794, and said, "I cannot but express a consciousness of the most upright intentions and view in the discharge of every part of the duty of that important office and I am happy to find that the people of this State have not complained that any part of my official conduct has appeared unto them to deviate from

the strictest rules of justice, equity or propriety." The House through their speaker, Daniel Buck, said in answer, the House "take the liberty to express to you the lively sense with which they are impressed of the justice and propriety of your conduct, in the discharge of the various duties of the important office of Chief Justice of the Supreme Court—and of the dignity with which you have so long presided. * * * And in retiring, sir, from the public business of the State, we wish you may enjoy all the satisfaction appertaining to private and social life,—long continue a blessing to your family and society, and when the curtain of life shall drop, receive a crown of Glory that shall never fade away."

Knight, never having received a grant of land from the State, or the government of New Hampshire, or New York, the Legislature at the same session, granted leave for Samuel Knight to bring in a bill granting him two thousand acres of land, if there was that quantity unlocated, and an act was passed accordingly.

Elijah Paine stated in his letter of acceptance of his appointment as Judge of the Supreme Court of the State, Oct. 19, 1791, that "I have a greater ambitition to serve the State in which I live while I can do it to their satisfaction, than I have to serve any other government," but he complained of the then inadequacy of compensation. He served the State in that capacity until 1793; he was elected United States Senator from Vermont in 1795, which position he resigned in 1801, to accept the office of Judge for the U. S. District of

Vermont. On his election to the United States Senate, he said, "I dare make no promise but I cannot but hope that the lively impressions I now feel, will on all occasions produce an uniform zeal for the welfare of this and the United States."

Roger Enos on tendering his resignation of the office of Major General of Militia of the State on Oct. 31, 1791, to Governor Chittenden, said, "It has ever afforded me satisfaction to serve my country in every sphere in which I have been called to action. But it has been my highest ambition to merit their approbation in a faithful discharge of the duties of the different military offices with which I have been honored."

Peter Olcott, on Aug. 1794, who had served the State as Lieutenant Governor from 1790, declined a re-election on account of infirmities of age and bodily indisposition, and made the request in the choice of his successor, "to elect some person of known integrity and abilities and acceptable to the community at large."

"*Israel Morey* resigned his office of Brigadier General, Oct. 18, 1794, after having served in the military department for nearly twenty yeears. He represented Fairlee several years in the Vermont Assembly and was Judge of Orange County Court three years and member of the Constitutional Convention of 1793. His son Samuel propelled a boat by steam in 1792 and 1793, ten years before Robert Fulton constructed his experimental steamboat. Fulton in fact had the benefit of Morey's invention and prospered by it.

Enoch Woodbridge on accepting the office of

Judge of the Supreme Court, Oct. 29, 1794, said, "I feel, sir, as if the lives, liberties and property of my fellow citizens are to be in some degree committed to my charge." He resided at Vergennes and was its first Mayor. The last few years of the eighteenth century found the people of Vermont in great poverty except in land, and the taxes that had to be imposed for the ordinary expenses of government, and to pay the thirty thousand dollars to New York due that State in settlement of the long drawn out controversy, so fully set forth in these volumes, were very burdensome.

In 1796, the crimes of highway robbery, horse stealing and other high crimes had been committed in the Province of Canada and the supposed criminals had fled to Vermont or other States of the Union. And on March 31, 1796, Lord Dorchester then of Quebec, addressed a circular to Governor Chittenden and Governors of other States, stating therein that Ephraim Barnes and James C. Freeman, against whom the Grand Jury of the District of Montreal had found bills, either for highway robbery and horse stealing or accessory to those who did commit the crimes, had made their escape and fled to one of the neighboring States, and requesting the Governor, if they were found in his government, to cause them to be delivered up to the bearer of the circular. Governor Chittenden did not comply with that demand on the ground that he was not authorized so to do by the then late treaty between Great Britain and the United States. The words of the treaty were, "that his Majesty and the United States on mutual requisi-

tions, by them respectively or by their respective Ministers or officials, authorized to make the same, will deliver up to justice all persons charged with murder or forgery." The requisition of Lord Dorchester included neither of those crimes. The refusal of Gov. Chittenden to issue the requsition led the British Minister to address a note to Timothy Pickering the Secretary of the United States, and claimed that although the treaty included the crime of murder and forgery, as to the other crimes it was left as it was before the treaty, to natural discretion, whereupon on June 3, 1796, the Secretary of State wrote Gov. Chittenden that he had consulted the Attorney General on the questions, and said, "the reciprocal delivery of murders and forgers is positively stipulated by the 27th article of the treaty—the conduct of the two governments with the respect to the other offenders is left as before the treaty, to their natural discretion—but this discretion will doubtless advise the delivery of culprits for offences which affect the great interests of society." And admitted that the view of Lord Dorchester of the questions was right, but the surrender of the fugitives should be done on such evidence of criminality as by the laws of the peace where the fugitive shall be found, would justify his arrest and commitment for trial, if the offence had been there committed. The Governor requested advice from the House, and it was ordered by the House that a committee of three join a committee that should be appointed by council to draft and report to the House a bill directing the mode of delivering up fugitives;

and the House passed a resolution as follows: "That it is the opinion of this House that the great interests of society requires that offenders of the above description should be brought to condign punishment, and that his Excellency be advised to deliver up the said culprits (if to be found within the State) agreeably to the request of Lord Dorchester."

The matter of extradition came up again in 1799, upon an application from the Acting Governor of Massachusetts to the Governor of Vermont for the extradition of Peter Gilson who had been charged with the crime of forgery, which was referred to the Council that finally decided that in order to extradite a fugitive for alleged crime, the Governor should issue his warrant for that purpose, and a form was adopted to be used in such cases.

It has been stated in the first volume of this history that the laws of Vermont never recognized the existence of slavery within the State and no person was ever held or owned as a slave within her borders. The general sentiment at an early day was against the institution, and that it would gradually die out in the States where it existed, and the sentiment of the political parties was against its extension, but no organization in the State made any effort to interfere with its existence in the States where it was allowed under State laws, until the formation of the abolition party. There was a strong sentiment being developed in the United States against the importation of slaves. As the system of slavery became firmly

rooted in the southern portion of the Union and its advocates were striving to extend its area, the northern States soon saw that the bearing of its influence was against their interests, and unless it was put in the way of ultimate extinction, it would breed great trouble in the government. There was a growing feeling that slavery was wrong and that the government could not well exist half slave and half free, and as William H. Seward expressed it, in 1860, that there was an "irrepressible conflict between freedom and slavery." It was unfortunate that it was provided in the Constitution of the United States, "that Representatives shall be apportioned among the several States according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons," and that it was also provided by that instrument that in the choice of President and Vice-President the number of electors were to be equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress. Evidently the unequal basis of representation was the result of compromise. It was unjust that while the slave had no voice in elections, the planter in a slave State possessing fifty slaves, treated as his property, was considered as having thirty votes, while a farmer in a free State having in value the same amount of property was confined to a single vote. The Commonwealth of Massachusetts and the State of North Carolina

sent to Governor Isaac Tichenor resolutions on proposals of amendment of the Constitution of the United States, for the consideration of the Vermont Legislature, to do away with said unjust representation. The resolutions from Massachusetts after stating the provision of the Constitution on the subject proceeded as follows:

"And whereas the effect of these provisions has been rendered more unequal and injurious by the course of events since the Constitution was established, by an augmentation of the number of slaves in the Southern States, and also by an increase of personal property in the Eastern States, arising from the commercial spirit of the inhabitants:

"And whereas the said provisions have been rendered more injurious, by important political changes, introduced during the present administration, in the purchase of *Louisiana*, an extensive country, which will require great numbers of slaves for its cultivation, and when admitted into the Union, agreeably to the cession, will contribute, by the number of its slaves, to destroy the real influence of the Eastern States in the National Government; and also in the original mode of electing the President of the United States, whereby, in the appointment of that important Magistrate, the right of the small States, (among which are most of the Eastern States,) where there are few or no slaves, is greatly diminished:

"And whereas in the apportionment of the direct taxes, the only compensation proposed by the Constitution, to the States not holding slaves, for

the aforesaid unequal principle in the representation, is now merely nominal, as the National Revenues are principally derived from commercial imposts, the present administration having repealed the excise laws, which operated in some measure, by a tax on luxuries, to equalize among the several States the contributions to the public burthens; and having also recently assessed additional millions on commerce, of which the Eastern States must pay much more than their due proportion, so that instead of contributing less than their proportionate share of public expense, as was contemplated by the Constitution, as a counterpart to unequal representation, they contribute more:

"And whereas a union of the States, a measure so important in its consequences, cannot harmoniously exist for a long period, unless it be founded on principles which shall secure to all free citizens equal political rights and privileges in the government, so that a minority of free citizens may not govern a majority, an event which, on the principles of representation now established, has already happened, and may always happen.

"*Therefore*, to preserve the *Union of the States*, upon sound and just principles, and to establish a foundation for general harmony and confidence among all the citizens of the United States, by securing to them now, and at all future periods, equal political rights and privileges:

"*Resolved*, That the Senators of this Commonwealth in the Congress of the United States be, and they are hereby instructed to take all proper

and legal measures to obtain an amendment of the Constitution of the United States, so that the Representatives be apportioned among the several States according to the numbers of their free inhabitants respectively, and for this purpose, that they endeavor to obtain a resolution of two-thirds of both Houses of Congress, proposing such amendment to the Legislatures of the several States in the Union."

The resolutions from the Legislature of North Carolina were to the effect that their Senators and Representatives were requested to take steps to obtain an amendment to the Federal Constitution so as to authorize Congress to pass a law, to prevent the further importation of slaves, or people of color from any of the West India Islands, from the coast of Africa or elsewhere, into the United States, and requested their Governor to transmit copies of their resolutions to the Executives of the different States of the Union, that the same might be laid before their respective Legislatures for their concurrence and adoption. Governor Titchenor in his speech to the Council and House of Representatives, said as to these resolutions, "it cannot, I flatter myself, be necessary that I should impress upon your minds, that the genius of universal emancipation ought to be cherished by Americans, and that there is no complexion incompatible with freedom; and that we owe to the charter of our country, in the abstract, and the laws of humanity, our best endeavors, to repress the impious and immoral traffic." These resolutions came before the Assembly for consideration

when the committee of the whole, at first made report adverse to the resolutions. At this time excitement ran high between the Federal and Jeffersonian parties. This adverse report was favored, generally by the Jeffersonians and opposed by the Federalists; and in the message drafted in reply to Governor Tichenor, they said that the amendment proposed to the Constitution of the United States, "would have a tendency to destroy, rather than confirm, the Union among the Federal States so essential to our prosperity." But later the Jeffersonians had another opportunity to put themselves on record in respect to slavery, and disarm any criticism of their action in rejecting the amendment of the Constitution proposed by Massachusetts, so far as it touched slavery. And they united with the Federalists, in adopting the following: viz.

"The amendment proposed by North Carolina, and adopted by Massachusetts, for putting a stop to the importation of slaves into the United States, should be duly attended to. Universal freedom is one of those fundamental principles of our political institutions which are engraven on the mind and live in the affections of every true American. And although our country is already infested with slavery, the toleration of which might seem to contravene the general system of our policy, we trust that the humanity and justice of our country will prevent the increase of the deprecated evil, and arrest, as soon as possible, that execrable traffic in human flesh."

On Oct. 30, 1806, the Council took into consid-

eration the following resolutions received from the House: viz, "Whereas there have been a number of instances of negro persons, who were minors, having been transported by evil minded persons from this to other States and Province of Canada, where slavery is established by law, and there disposed of as slaves, which practice is contrary to the genius and principles of the good people and government of this State, and, therefore, the evil of which pernicious practices to prevent:—Resolved, there be a committee of five members to join a committee from the Council to take under consideration the propriety of passing a law for remedying the evils above mentioned and report to this House by bill or otherwise." This resolution was adopted, and resulted in passing, on Nov. 8, 1806, an act to prevent kidnapping. By the act, the offender, if found guilty "of carrying, removing or aiding and assisting in transporting any person or persons who are or shall be residents in this State, into any other State, Province or Government and dispose of the same into servitude for any longer term of time, or in a different manner than he or they could have a right by law to do within this State, should be publicly whipped on the nacked back not exceeding thirty-nine stripes, or, pay a fine of $1000 and be confined to hard labor or imprisonment not exceeding seven years."

On Oct. 25, 1819, the Vermont Colonization Society was organized at a large meeting consisting of members of the Legislature, and other persons, without distinction of party, Governor Galusha presiding. Its officers were selected from the

most able men of the State, and their avowed purpose was to aid in the extinction of slavery. In the proclamation for a fast, issued on the next day, Governor Galusha enjoined prayer to Almighty God, that He would "put down the tyranny and oppression, and open a way for emancipation of all that degraded class of human beings who are held in slavery, especially those in this highly favored country." In response to a petition of the Colonization Society the General Assembly on Nov. 5, 1819, adopted the following: viz., "Holding as sacred the great principle, 'That all men are born equally free and independent, and have certain natural, inherent, and inalienable rights, among which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety.'

"*Resolved*, That, whilst this General Assembly deeply deplore the degraded and abject situation of the colored population of the United States, and most sensibly feel a sympathy for the white population of the South, on whom, without their own procurement, is entailed a great calamity, it is with heartfelt satisfaction they witness the laudable and humane exertions of many good men from different sections of the country, especially from the middle and southern States, in establishing the American Colonization Society, for the purpose of colonizing the free people of color of the United States, on the west coast of Africa, a measure wisely calculated, in the opinion of this General Assembly, to alleviate human woe, and

eventually to secure this country from great and impending evils.

"*Resolved*, also, that this Assembly do most cordially approbate the recent organization of the Vermont Society, auxiliary to the society aforesaid, and cheerfully recommend the same to the favorable consideration and encouragement of the good citizens of this State, confidently hoping that, under the guidance of a beneficent, all wise, overruling Providence, their benevolent exertions for extension of human happiness may be crowned with abundant success.

"*Resolved*, also, That the Senators of this State in the Congress of the United States be instructed, and the Representatives requested, to exert their influence for the adoption of such measures as will more effectually promote the great and benevolent views and objects of the society aforesaid, and use their best endeavors in supporting all constitutional measures to prevent the further extension of that great national evil."

In February 1819, a proposition came before Congress to authorize the people of the territory of Missouri to adopt a Constitution with a view to admission into the Union as a State. The proposition to exclude slavery was brought to the front. The people of Vermont generally took a decided stand in favor of the exclusion of slavery, and all of her Representatives and Senators in Congress, except Mr. Palmer, voted to exclude slavery. The political opponents of Senator Palmer availed themselves of the favorable opportunity to censure him for his course on this question. The people of

Vermont viewed with deep concern the attempt to introduce slavery into the territories of the United States, and to legalize it in the States to be admitted into the Union; they regarded it as a measure tending to increase and perpetuate an evil of great magnitude and danger, as it would deprive a portion of mankind of those privileges which Republican principles guarantee to all, and at no distant period, subject the master to the vengeance of the slave, and would tend to perpetuate slavery by adding the influence and power of States to be found within our territories, which eventually might constitute a majority of the Union. The people of Vermont did not perceive that the principle of compromise, that conceded to the slaveholding States the legal right for the people therein to hold slaves, extended to States thereafter to be admitted into the Union. They took the ground that the powers of Congress were adequate to prohibit the further introduction of slavery and not bound to admit any State into the Federal Union unless on such conditions as shall be consistent with the general welfare. Resolutions embodying these principles, and instructing the Vermont Senators and requesting her Representatives in Congress to use their influence to prohibit the introduction of slavery into the territories of the United States and to prevent its being legalized in any State thereafter to be admitted into the Union were presented to and received by the Vermont Assembly in 1819, but were ultimately, after debate on them, dismissed. The record that they were *adopted* and then tabled and then taken up and dismissed

is erroneous. The avowed reason for the dismissal of the resolutions were that the above quoted resolutions in response to a petition of the Vermont Colonization Society, sufficiently expressed their anti-slavery principles. Undoubtedly the Legislature considered the principles and powers and restrictions contained in the Missouri Constitution that was strongly fovored by the South, as anti-republican and repugnant to the Constitution of the United States. The subject was agitated with great warmth in Congress, and the parties in that body were marked by geographical division, and were actuated by feelings dangerous to the Union. The southern party alleged that the admission of Missouri without restriction would not tend to perpetuate slavery, nor increase the number of slaves, but they would simply remove from one State to another; and it would be a dangerous and tyrannical act in the Federal Government and infringe upon the sovereignties of the States should the restriction of slavery be persisted in and adopted. These claims were unsound and the policy of the advocates of slavery bad in its consequences as the sequel has proved. The bill passed for the admission of Missouri without any restrictions, but with the inhibition of slavery throughout the territories of the United States north of 36 degrees and 30 minutes north latitude.

At the session of the Legislature in November 1820, the Governor transmitted to the Assembly resolutions on the same subject which were referred to the following committee: viz. Chancy Landon of Castleton, Moses Robinson of Bennington,

Matthias S. Jones of Waitsfield, Benjamin Miner, Jr. of Bridport, Isaac Fletcher of Lyndon, and William Gill of Leicester, of the House, and Lieut. Gov. Cahoon of the Council, who made a report to the Assembly on the Virginia resolutions and on so much of the Governor's speech as related to the admission of Missouri into the Union. The report was made Nov. 15, 1820, and showed the deep seated anti-slavery sentiment that was generally entertained by the people of Vermont at the time and was as follows:

"That the history of nations demonstrates, that involuntary servitude not only plunges the slave into the depth of misery, but renders a great proportion of community dependent and wretched, and the remainder tyrannic and indolent. Opulence, acquired by the slavery of others, degenerates its possessors, and destroys the physical powers of government. Principles so degrading, are inconsistent with the primitive dignity of man, and his natural rights.

"Slavery is incompatible with the vital principles of all free governments, and tends to their ruin. It paralyzes industry, the greatest source of national wealth, stifles the love of freedom, and endangers the safety of the nation. It is prohibited by the laws of nature, which are equally binding on governments and individuals. The right to introduce and establish slavery, in a free government, does not exist.

"The declaration of Independence declares, as *self-evident truths*, "That all men are created equal—that they are endowed by their Creator

with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed: That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it.'

"The Constitution of the United States, and of the several States, have recognized these principles as the basis of their governments: and have expressly inhibited the introduction or extension of slavery, or impliedly disavowed the right. The power of Congress to require the prohibition of slavery in the Constitution of a State, to be admitted as one of the United States, is confirmed by the admission of new States according to the ordinance of 1787, and by a constitutional "guarrantee to every State in the Union of *a republican form of government*." This power in Congress is also admitted in the act of March 6, 1820, which declares that in all that territory ceded, under the name of Louisana, which lies north of 36 deg. 30 min. north latitude, "slavery and involuntary servitude shall be forever prohibited.'

"Where slavery existed in the States, at the time of the adoption of the Constitution of the United States, a spirit of compromise, or painful necessity, may have excused its continuance, but can never justify its introduction into a State to be admitted from the territories of the United States.

"Though slavery is not expressly prohibited by

the Constitution, yet that invaluable instrument contains power, first principles, and self-evident truths, which bring us to the same result, and lead us to *liberty* and *justice*, and the *equal rights* of man, from which we ought never to depart. "In it is seen a deep and humilating sense of slavery" —and a cheering hope that it would, at some future period, be abolished—and even a determination to do it.

"It is apparent that servitude produces in the slave-holding States peculiar feelings, local attachments, and seperate interests: and should it be extended into new States—it will have a tendency to form a combination of power, which will control the measures of the general government;" and which cannot be resisted, except by the physical force of the nation.

"The people of the United States adopted the Constitution "to form a more perfect Union of the several States, to establish justice, to secure domestic tranquility, provide for the common defence, promote the general welfare, and secure *the blessings of liberty*;" and have thereby blended and inseperably connected the interests, the safety and welfare of every State in the Union. We, therefore, become deeply concerned in the fundamental principles of the Constitution of any new State to be admitted into the Union. Whatever powers are necessary to carry into effect the objects of the Union, are implied in the Constitution, and vested in the several departments of the general government.

"The act of the United States, authorizing a

provisional admission of Missouri into the Union as a State, does not pledge the faith of government to admit, whatever may be its Constitution or system of State government: for that Constitution, by the act, must be Republican, and not repugnant to the Constitution of the United States.

"From information, it is to be seriously apprehended that Missouri will present to Congress, for their approbation, a Constitution which declares "the General Assembly shall have *no power* to pass laws—First, for the emancipation of slaves, without the consent of their owners, or without paying them, before emancipation, a full equivalent for such slaves so emancipated—and, secondly, to prevent emigrants from bringing slaves into said State, so long as slavery is legalized therein. It is also made the imperious duty of its Legislature to pass laws, as soon as may be, 'To prevent free negroes and mulattoes from coming to, and settling in that State, under any pretence whatever.'

"These powers, restrictions, and provisions, to legalize and perpetuate slavery, and to prevent citizens of the United States, on account of their origin, color or features, from emigration to Missouri, are repugnant to a Republican government, and in direct violation of the Constitution of the United States.

"If Missouri be permitted to introduce and legalize slavery by her Constitution, and we consent to her admission, we shall justly incur the charge of insincerity in our civil institutions, and in all our professions of attachment to liberty. It will bring

upon the Constiution and Declaration of Independence, a deep stain, which cannot be forgotten, or blotted out! It will deeply affect the Union in its resources, political interests, and character.

"The admission of another new State into the Union, with a Constitution which guarantees security and protection to slavery, and the cruel and unnatural traffic in any portion of the human race, will be an error which the Union cannot correct, and an evil which may endanger the freedom of the nation.

"Congress never ought, and we trust never will, plant the standard of the Union in Missouri, to wave over the heads of involuntary slaves, who have nothing they can call their own, except their sorrows and their sufferings, and a life beyond the grave—and who can never taste the sweets of liberty, unless they obtain it by force or by flight. Nor can a community, made up of masters and slaves ever enjoy the blessings of liberty, and the benefits of a free government: these enjoyments are reserved for a community of freemen, who are subject to none, but to God, and the laws."

The committee submitted with said report, and in harmony therewith, the following resolutions:

"RESOLVED, That, in the opinion of this Legislature, slavery, or involuntary servitude, in any of the United States, is a moral and political evil, and that its continuance can be justified by necessity alone. The Congress has a right to inhibit any further introduction, or extension of slavery, as one of the conditions upon which any new State shall be admitted into the Union.

"RESOLVED, That this Legislature views with regret and alarm, the attempt of the inhabitants of Missouri to obtain admission into the Union as one of the United States, under a Constitution which legalizes and secures the introduction and continuance of slavery—and also contains provisions to prevent freemen of the United States from emigrating to and settling in Missouri, on account of their origin, color and features. And that, in the opinion of this Legislature, these principles, powers and restrictions, contained in the reported Constitution of Missouri, are anti-republican and repugnant to the Constitution of the United States, and subversive of the unalienable rights to man.

"RESOLVED, That the Senators from this State in the Congress of the United States be instructed, and the Representatives requested, to exert their influence and use all legal measures to prevent the admission of Missouri, as a State, into the Union of the United States, with those anti-republican features and powers in their Constitution."

"The report and the resolutions were agreed to by both Houses without division.

"The strong pro-slavery policy to extend the area of the institution and the persistent and sucessful effort to admit Missouri without restriction as to slavery was laying an egg that was later hatched out in the shape of a decision from the Supreme Court of the United States in the Dred Scott case in the opinion of a majority of the court announced by Chief Justice Taney, in which he stated that at the time of the Declaration

of Independence and at the time of the adoption of the Constitution of the United State, the "unfortunate race were regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit." This decision went so far as to hold that slave-holders could take their slaves into any territory of the United States and hold them there as slaves and was expressed in the following language: "It is the opinion of the court that the act of Congress which prohibited a citizen from holding and owning property of this kind in the territory of the United States north of the line therein mentioned, is not warranted by the Constitution and is therefore void." These antagonistic views and principles and the heated party spirit culminated in the rebellion of 1861, and resulted in the proclamation of emancipation of President Lincoln, Jan. 1, 1863.

"When we look back upon the free and independent spirit that had ever animated the people of the State, and are reminded that no slave has ever troden Vermont soil, and contemplate the strong, firm stand they have taken against the keeping in bondage a part of the human family, and in favor of the widest liberty, consistent with good government, we have reason to feel a just pride that we can be reckoned as Vermonters.

CHAPTER V.

INCIDENTS, LEGISLATION, AND INTERNAL AFFAIRS OF VERMONT FROM 1791 TO 1808.

In the early history of Vermont it was not always that each town had a separate representative to the General Assembly. In 1795, the town of Londonderry and a Gore, called Mack's Leg, were erected into two separate towns by the names of Londonderry and Windham with the right of only one representative in the Assembly for both towns, but in 1804, the two towns were given all the privileges and immunities belonging to other incorporated towns. Previous to 1808, the towns of North Hero and Middle Hero (Grand Isle) were entitled to but one representative to the General Assembly, but subsequently on petition each of those towns were granted a representative.

At an early day the law required that, a person to be admitted as a member of the bar, should have several years of residence in the State, but in 1791, it was enacted that any person, if of good moral character and competent knowledge of the law, might be admitted as a practicing attorney on taking an examination of the court and bar; this act did not require a previous residence.

It was not the practice of the Governor for many years, in the early history of the State, to appoint a day of Fast or Thanksgiving independent of a request from the Assembly. The custom was for the General Assembly to pass a resolve "that his Excellency the Governor be requested by and with the advice of the Council, to appoint the day," named in the resolution to be observed as a day of Public Thanksgiving and Praise or Fast, throughout the State.

In 1793, Samuel Knight, President of the Council of Censors, addressed the Legislature and stated it had, in some instances, too hastily and inconsiderately, passed insolvent acts, and acts suspending the operation of law against particular persons, and acts granting exclusive rights and privileges to individuals. He said that acts granting exclusive privileges to individuals except the exclusive right to their own inventions, were wrong. He, also adjudged it inconsistent with the spirit and genius of a free people, that a man should be adjudged to pay costs in criminal cases after an impartial jury has declared he is not guilty, and recommended the repeal of an act that allowed that to be done. He said on taking a retrospective view of the business of the Legislature, on the whole, "he was happy to find that wisdom and stability mark the proceedings of our public bodies, and that this government is gaining knowledge and respectabilty."

In the early days of Vermont the property of many of her citizens who had joined the enemy, during the Revolutionary struggle was confiscated

to the use of Vermont, and in some cases their general creditors petitioned the General Assembly that they might receive from the State a just proportion of the estate confiscated, but the petitions were denied. The Legislature deemed it not advisable to make provision for the payment of the debts of persons whose property had been confiscated in consequence of their treasonable conduct.

In the year 1795, a petition was presented to the Legislature by General Ira Allen then of Colchester praying that the name of the University of Vermont be changed to "Allen's University," and at the same time proposing a donation of one thousand pounds worth of books for a library and a deed to the corporation of fifteen hundred acres of land. The offer was not accepted by the Legislature and Allen had leave to withdraw the petition; the committee to which the petition was referred, expressed it as their opinion that the proposition of Allen was liberal.

The pay of town representatives to the Assembly, Councillors, State officials and their incidental expenses were much less for many years after the State first became a member of the Federal Union than they are at the present writing. In 1795, the pay for Councillors, was one dollar and forty-six cents, and for members of the House and Auditors of Accounts one dollar and twenty-five cents per diem. The appropriation for State expenses for the Legislative year from October 1795, to October 1796, was but 1,723 pounds for debentures of Lieut. Governor, Council, General Assembly, and necessary officers including Auditors of Accounts;

three pounds for wood and candles for the Council room; eighteen shillings for wood and candles for Clerks; fifty dollars for powder used on election day. A pound was reckoned at $3.33⅓.

On Nov. 2, 1796, an act passed the House and was read and concurred in by the Council that conferred upon the Constitution of the State the dignity to which it was entitled: to wit, the *supreme law* of the State. The acts 1779, 1782 and 1787, relating to this subject, simply adopted the Constitution as a part of the laws of the State.

On Nov. 3, 1797, the Governor and Council undertook to recommend to the House by resolution how that body should proceed in the consideration of bills, as appears from the following statement and resolution sent to the House by the Council: viz., "Whereas, by an existing law, directing the mode of passing bills, and by the Constitution of this State, it becomes the duty of the House of Representatives, on receiving a bill from the Council, with the proposals of amendment thereto, to proceed to try the sense of the House, whether they will concur with the Council in the amendments proposed, and on non-concurrence to return the bill to the Council, with the reasons of their dissent, that the Council may proceed further thereon. And whereas it appears from the journals of the House of Representatives, that the bill entitled "An act relating to the office and duty of an Attorney General, State's Attorneys, Clerks of the Supreme and County Court, the County Treasurers," returned to the House of Representatives, by the Council, on the 23d of October last, with pro-

posals for amendment, has been dismissed by the House without acting on the amendments so proposed as aforesaid contrary to the opinion of the Council, to the express letter of the law, and a just construction of the Constitution: Therefore, Resolved, that it be recommended to the House of Representatives, to proceed and act upon the amendments proposed by the Council, in the manner prescribed by law."

The election sermon of the year was preached by Rev. Daniel C. Sanders, then of Vergennes, and later, President of the University of Vermont.

On Oct. 17, 1798, the two Houses met in General Committee to consider the constitutionality of private acts of insolvency, and resolved that the Legislature have a constitutional right to pass such acts.

On Oct. 21, 1800, Luke Knowlton, on tendering to Governor Tichenor his resignation of his office and seat at the Council board, said, in part, that "the repeated and unsolicited suffrages of the free and enlightened citizens of this State will ever reflect the highest happiness to that mind whose greatest glory rests on the good esteem of his fellow creatures. You will permit me, as I am now retiring from public life in which I have been so long placed, whether in the Legislative, Executive, or Judicial departments, it has been my constant aim and design to discharge the duties imposed on me with firmness, wisdom and integrity—and if in any instance have erred, it arose through defect of the head and not of the heart."

There were many bills in the early legislation

of Vermont that were passed into law suspending civil process against persons for a term of years; such laws have been regarded by thoughtful minds as unwise and bad policy, and unjust as discriminating between persons similarly situated, and such legislation has become infrequent or entirely discontinued. The Council of Censors sometime before November, 1813, had recommended the repeal of the act of 1812, suspending civil process against officers and soldiers while in the service, as being in violation of several provisions of the Constitution of the United States and also of Vermont, undoubtedly having reference to that clause of the Constitution of the United States, declaring that, "no State shall pass a law impairing the obligation of contracts."

On Oct. 17, 1796, the Legislature of Vermont presented an address to President George Washington in answer to his farewell address to his fellow citizens of the United States. The answer embraced the following expressions: viz.

"When we contrast the gloomy aspect, both of our domestic and foreign affairs, a few years since, with the flattering prospect now before us, we at once appreciate the advantages which resulted immediately from one general government, and the justice, magnanimity and moderation which has marked your administration.

"Convinced of our true interests, you have successfully opposed faction, and maintained that neutrality so necessary to our national honor and peace—accept, sir, the only acknowledgment in our power to make, or yours to receive, the gratitude of a free people.

"Ardently as we wish your continuance in public office, yet when we reflect on the years of anxiety you have spent in your country's services, we must reluctantly acquiesce in your wishes, and consent that you should pass the evening of your days, in reviewing a well spent life, and looking forward to scenes beyond the grave, where our prayers shall ascend for a complete reward for all your services, in a happy immortality: and we receive your address to your fellow citizens, as expressive of the highest zeal for their prosperity, and containing the best advice to insure its continuance.

"We cannot, sir, close this address (probably the last public communication we may have occasion to make to you) without assuring you of our affection and respect. May the *shade* of *private life* be as grateful to you as the *splendor* of your *public life* has been useful to your country.

"We shall recollect you with filial affection; your advice as an inestimable legacy, and shall pride ourselves in teaching our children the importance of that advice, and a humble imitation of your example."

President Washington on Dec. 12, 1796, said in part, in a reply, addressed to Elijah Paine and Isaac Tichenor, Vermont Senators then in Congress.

"*Gentlemen*, With particular pleasure I receive the unanimous address of the Council and General Assembly of the State of Vermont.—Although but lately admitted into the Union, yet the importance of your State, its love of liberty and its energy, were manifested in the earliest periods of the revo-

lution which established our Independence. Unconnected in name only, but in reality united with the confederate States, these felt and acknowledged the benefits of your co-operation. Their mutual safety and advantage duly appreciated, will never permit this Union to be dissolved.

"I enjoy great happiness in the testimony you have presented, and in other proofs exhibited from various parts of our Country, that the operations of the general government have justified the hopes of our citizens at its formation, which is recognized as the era of our national prosperity. The voluntary acknowledgements of my fellow citizens persuade me to believe that my agency has contributed to produce this effect. This belief will be to me a source of permanent satisfaction, and those acknowledgements a rich reward."

It is but stating a recognized truth that no citizen of the United States ever won an equal respect and confidence both in war and peace as did George Washington with the people of the American Union. He was cool and correct in judgment, bold and fearless in danger; methodical and clear in all his business arrangements, and possessed the basis of a strong and elevated character. H. T. Headley in his life of Washington said of him, "this soul, poised on its own center, reposed calmly there amid all the tumult and turbulence that shook the land. The ingratitude and folly of those who should have been his friends, the insult of his foes, and the frowns of fortune, could not provoke him into rash acts or delude him into error." The liberty loving and brave Green Mountain Boys, while

struggling for admission into the Federal Union against the powerful opposition of New York, had a friend in George Washington.

In 1798, the people of the Union had become separated quite sharply into two political parties, the Federalist party, and the opposition was cristalizing into what was then denominated the Republican party. Daniel Buck who had been a member of Congress from 1795, to 1797, and a strong Federalist was active in fostering a division of sentiment and strengthening the Federal party, while Matthew Lyon, also a member of Congress, was over-zealous in his labors in behalf of the opposition or Republican party. On Oct. 20, 1798, an address to President John Adams was presented to the General Assembly, expressing the sentiment of the Federalists, in which it was stated that,

"We have been represented as a divided people; but this report has been fabricated, and cherished, by men whose destructive policy would lead them first to excite disunion, and like the incendiary, to profit by the confusion they have created.

"That the great bulk of our citizens are firmly attached to our excellent Federal Constitution of government, and highly approve its administration, you may be assured is an incontrovertible fact. That some men should not appreciate its advantages, or that some should be bad enough to strike at its very existence, is not strange. When we consider government as the association of the honest, the pious, and the peaceable, to protect themselves from the wickedness of the dishonest, the impious, and the unruly; it is not

strange that if the beneficial designs of the former be effected, the latter will complain, and attempt to break every barrier which protects society. We know of no government, ancient or modern, that was ever celebrated for its excellency, whose archives were not disgraced with impediments of opposition, and the page of whose history is not stained with frequent insurrection. Even under the divine theocracy of the Jews, the people murmured amidst plenty; and, while their first magistrate was in immediate conference with Heaven for their good, a stupid faction of that people lost the remembrance of their divine government, in the adoration of a molten god.

"But you, sir, can accurately distinguish between the voice of your country, and the clamor of party: we here offer you the genuine sentiments of our constituents, the freemen of Vermont, as delivered through their constitutional organ, the Legislature.

"In the infancy of French political reformation, with our bretheren of the United States, we wished well to the cause of French patriotism, because we supposed it the cause of virtue, religion and rational liberty. But when Gallic virtue was succeeded by licentiousness and inhumanity; when religion gave place to atheism, and rational liberty to grievous oppression; when, no longer contented with abortive attempts to reform their own government, they boldly obtruded their political creed upon the order and tranquility of other nations; and with rapacious ambition, unknown to their proudest monarchs, dissolved ancient govern-

ments, annexing plundered provinces to their own blood-stained territories; when they violated the neutral rights of the United States, commissioned their ambassadors to excite us to foreign war and domestic insurrection, and made the most unprovoked depredations on our commerce; when they insulted our messengers of peace, and insidiously attempted to degrade them into the mean instruments of subjecting their country to a scandalous tribute; when they refused to stop the hand of plunder, for a little period, while our government might attempt, by discussion or concession, to avert the calamities of war; when they violently and insidiously struck at our national independence, every tie of affection for Frenchmen was dissolved; and we clearly perceived, that we could no longer be attached to that nation, but at the expense of our morals, our religion, and the love of our country.

"This, sir, is a day which calls loudly for decision: and we are proud to declare our attachment to the Constitution of the United States; we believe its prosperity deeply involves our own; we have the firmest reliance on the executive administration of our general government. Your instructions to our national envoys to France carry conviction with them of your uprightness. Your resolution to send no other envoys to that haughty nation, unless previously assured of their honorable reception, evidences beyond doubt, your firm attachment to the interest and honor of your country. You have justified your country in the face of the world; and if the consequences of

French duplicity and rapacity shall involve us in a war, which we pray heaven to avert, we pledge ourselves to our country, our firmest support of her violated rights.

"Permit us to add assurances of our personal respect; while we honor you as our Chief Magistrate, we respect you as a man; and it is to your glory we can say, we regard JOHN ADAMS because we love our country."

This address was adopted by a vote of 129 yeas to 23 nays. In reply the President said, "Among all the addresses which have been presented to me, from communities, corporations, towns, cities and Legislatures, there has been none more acceptable to me, or which has affected my sensibility or commanded my gratitude more than this very sentimental compliment from the State of Vermont—a State which, within my memory, has been converted from a wilderness to a fruitful field. Knowing as I do, your origin and progress, the brave, hardy, industrious, and temperate character of the people, their approbation of their Representatives, their attachment to the Constitution, and determination to support the government, are the more to be esteemed. * * * The French have rendered it impossible for us to follow them in their notions and projects of government, or to submit to their arbitrary conduct and extravagant exactions to us: we must therefore defend ourselves against all their attempts."

In 1801, an address was adopted by the Assembly and presented to Thomas Jefferson, in which it was stated that the people of Vermont admired

the Federal Constitution and that they contemplated that the general government to be the sheet anchor of their peace at home and safety abroad, and that they regard the Presidency with a cordial attachment and profound respect; that they revered the President's talents and were assured of his patriotism and relied on his fidelity, and expressed the hope that the general government would draw around the whole nation such lines of defence as shall prove forever impossible to every foreign foe. The President in reply expressed his thanks for the friendly, favorable sentiments, and joined them cordially in admiring and revering the Constitution of the United States, the result of collected wisdom of our country; he would draw around the whole nation the strength of the general government, as a barrier against foreign foes, and that he would watch the borders of every State, that no external hand may intrude, or disturb the exercise of self-government, reserved to itself. In 1803, after the Louisiana purchase had been effected by Jefferson, the General Assembly addressed the President again. The address in part was as follows:—

"While we contemplate the acquisition of an extensive and fertile territory, with the free navigation of the river Mississippi, we cannot but venerate that spirit of moderation and firmness, which among divided councils finally enriched our country without the effusion of blood: and it is with much satisfaction we learn from the highest authority, that no new taxes will be requisite for the completion of the payment for this valuable

acquisition. Permit us then to tender you, sir, our warmest thanks for the conspicuous part you have taken in this important arrangement.

"We gratefully contemplate those humane and benevolent measures which civilize our once savage neighbors, and learn them to exchange their hostile weapons for the implements of argriculture and household manufacture.

"We recognize with sentiments of esteem, that vigilance and parental care which has enlarged our territory by a negotiation with one of the friendly tribes of Indians.

"From knowing that our maritime force is diminished, and that our trade is still protected, we obtain imposing proof, that vigilance and economy go hand in hand in the management of our governmental affairs.

"The flourishing state of our treasury demonstrates our growing greatness, and must convince every good citizen that the incident and vilifying expressions too frequently uttered through the medium of the press against the administration of our government, must finally, with equal certainty as justice, revert on the authors.

"Your advice to the House of Representatives respecting our conduct towards the contending powers of Europe, merits our highest approbation.

"From our own feelings, as well as from the general knowledge we possess of the sentiments of our constituents, you may be assured that the hardy sons of Vermont, though earnestly engaged in their peaceable pursuits, will be ready to fly, on

the call of their country, at the risk of their lives, their fortunes and domestic felicity, to maintain their rights as an independent nation—preferring every consequence to insult and habitual wrong.

"Permit us to assure you of our most earnest wish that every possible happiness may attend you through life, and that you may finally receive the plaudit of the great Judge of all."

On Nov. 10, 1798, the Legislature of Kentucky adopted resolutions that embodied the doctrine of nullification that found their logical and final outcome in the gigantic rebellion of 1861. These resolutions were condemned by several of the States, whereupon on Nov. 14, 1799, Kentucky reaffirmed its doctrine of State rights in the following language. "That the several States that formed the Constitution being sovereign and independent, have the unquestionable right to judge of the infraction; and that a nullification by those sovereignties of all unauthorized acts done under the color of that instrument, is the rightful remedy. The resolutions adopted by Kentucky on Nov. 10, 1798, were drawn by Thomas Jefferson and sent to Vermont for the consideration and adoption by the Legislature, one of which was as follows:

"Resolved, That the several States composing the United States of America, are not united on the principle of unlimited submission to their general government; but that, by compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes, delegat-

ed to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and, that whensoever the general government assumes undelegated powers, its acts are unauthorative, void, and of no force; that to this compact each State acceded as a State, and is an integral party; that this government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but, that as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."

The answer of Vermont to the nullification resolutions were sound in principle and have been adhered to by the national government ever since, and are as follows: viz.,

"*To the Legislature of the State of Kentucky.*

"We have maturely considered your resolutions of November 10th, 1798. As you invite our opinion, you will not blame us for giving it without disguise, and with decision. In your first resolution, you observe, in substance, 'That the States constituted the general government, and that each State as party to the compact, has an equal right to judge for itself as well of infractions of the Constitution, as of the mode and measure of redress.' This cannot be true. The old confederation, it is true, was formed by the State Legisla-

ture, but the present Constitution of the United States was derived from a higher authority. The people of the United States formed the federal Constitution, and not the State, or their Legislatures. And although each State is authorized to propose amendments, yet there is a wide difference between proposing amendments to the Constitution, and assuming, or inviting, a power to dictate or control the general government.

"In your second resolution, you certainly misconstrue and misapply an amendment to the Federal Constitution, which, if your construction be true, does not surely warrant the conclusion that as a State you have a right to declare any act of the General Government, which you shall deem unconstitutional, null and void. Indeed, you actually do declare two acts of the Congress of the United States null and void. If, as a State, you have a right to declare two acts of the Congress of the United States unconstitutional and therefore void, you have an equal right to declare all their acts unconstitutional. Suppose each Legislature possesses the power you contend for, each Legislature would have the right to cause all the acts of Congress to pass in view before them, and reject or approve at their discretion, and the consequences would be, that the government of the Union, falsely called General, might operate partially in some States, and cease to operate in others. Would not this defeat the grand design of our Union?"

The State of Virginia also sent state-rights resolutions drawn by James Madison, to be adopted by the Vermont Legislature, though not quite

so rank with the sentiment of nullification as those of Kentucky, but still embodied dangerous principles and they were replied to as follows:

"*Resolved*, That the General Assembly of the State of Vermont do highly disapprove of the resolutions of the State of Virginia, as being unconstitutional in their nature, and dangerous in their tendency. It belongs not to *State Legislatures* to decide on the constitutionality of laws made by the general government; this power being exclusively vested in the *Judiciary Courts of the Union*."

Thus it may be seen that Vermont has ever taken a consistent, safe and conservative course ever since her admission into the Union, and has always stood firm in upholding the true principles of the Constitution as sustained by the courts and now recognized as sound throughout the Nation.

In October 1805, the Legislature refused to confer upon one Charles Miller, a subject of his Britannic Majesty the rights of a citizen of the State to enable him to hold a certain parcel of real estate in this State, when he did not intend to become a resident citizen of the State or of any of the United States, and had not brought himself within the provisions of the law of Congress on the subject of naturalization.

CHAPTER VI.

INCIDENTS, LEGISLATION, EMBARGO, SMUGGLING AND INTERNAL AFFAIRS OF VERMONT FROM 1808 TO 1836.

In 1808, there was a matter of considerable magnitude that arose growing out of an attempt in the general government to enforce the "land embargo" law, of March 12, 1808. It was openly declared, especially by smugglers, that the inhabitants on Lake Champlain would never submit to enforce that law. On Aug. 3, 1808, a party of twelve of the Vermont militia had captured a notorious smuggling vessel, called the Black Snake, then moored in Winooski river, and as they were taking it down the river to the lake, the smugglers frequently fired upon them, killing Elias Drake of Clarendon and Asa Marsh of Rutland and wounding Lieutenant Daniel Farrington of Brandon. A murderous wall-piece, charged with fifteen bullets, slugs, and buck-shot was discharged among them. Jonathan Ormsby of Burlington who joined the government party to aid in arresting the murderers was killed as was Asa Marsh. The smugglers were all seized but two who then escaped, but afterwards were arrested.

On Aug. 23, 1808, a special term of court was held; and at that time the grand jury returned true bills against Samuel I. Mott of Alburgh, William Noaks, Slocum Clark and Truman Mudgett of Highgate, Cyrus B. Dean and Josiah Pease of Swanton, David Sheffield of Colchester, and Francis Ledyard of Milton. These men were tried for the crime charged against them. Mott and Dean were convicted of murder; Dean was sentenced to be hung on Oct. 28, 1808, but his sentence was respited till the 11th day of November 1808, when the sentence was carried into execution at Burlington. Sheffield and Ledyard were also convicted of the crime charged against them. Mott and Sheffield were granted new trials, both of whom with Ledyard were convicted of manslaughter at the January term of the court 1809. These three men were sentenced to stand one hour in the pillory, be confined ten years in the State prison, and pay cost of prosecution, and in addition to those penalties, Mott and Sheffield received fifty lashes. The three were pardoned by the Governor: Ledyard, Nov. 12, 1811; Sheffield, Nov. 4, 1815; and Mott Oct. 15, 1817. The sentiment of a large majority of the people of the State of Vermont were against the national embargo law as it was oppressive and worked against the interests of Vermont, and, therefore, the people of Vermont were not enthusiastic for its enforcement and gave lukewarm obedience to it. At the special term of the Supreme Court, held in January 1809, at Burlington, the grand jury published an address to the freemen of Chittenden County, in which they

declared that, beyond the Black Snake affair, "in which strangers were principally the actors, we view with satisfaction and admiration, the loyalty and patience of our fellow citizens, and that the charge of Insurrection and Rebellion, lately exhibited against them, are vile aspersions against the honor and the dignity of this county." Evidently the jury did not favor the President's policy of the national government respecting the embargo act. It is not the purpose of the writer at this time to go into a full consideration of the embargo act and the policy of the national government respecting it, but it will be further considered when we come to consider the causes of the war of 1812, in Chapter VII. Governor Tichenor in his speech to the Council and House of Representatives in 1808, well voiced the sentiment of Vermont when he said:—

"The business which our constituents have constitutionally assigned to their General Assembly, embracing the civil and political interests of the State, is the great object which will necessarily engage your attention. It cannot be concealed but these have been conisderably affected by a late law of the United States and the measures pursued to enforce it. Among a people accustomed to honest industry, and under a government which had permitted them freely to dispose of the fruit of their labor, as a natural and unalienable right, it was to be feared there might exist a strong disposition to evade its restrictions. Nothing but an appeal to their patriotism, and strong conviction of the

utility of the measure, could enforce obedience to a law which in its operation blighted the best hopes of the laborer and destroyed every incentive to useful and honorable enterprise. While therefore we regret the stain upon the character of a respectable portion of our citizens, in consequence of the conduct of a few, who had violated a law of the government, suspending our commerce by an embargo without limitation, we sincerely regret that the law was not accompanied with that evidence of national necessity or utility which at once would have commanded obedience and respect. We also must as sincerely deplore that, instead of an application in the first instance to the civil authority, in common with my fellow citizens, the evils which result from that law, I cannot but hope that the wisdom of the national Legislature will induce an early repeal of the same. If however this should not be deemed wise or expedient, I must strongly enjoin the necessity of a quiet submission to the privations and inconveniences that may be experienced, until we are relieved in a constitutional way."

On Nov. 3, 1808, the United States Circuit Court commenced a special session at Burlington, held by Brockholst Livingston and Elijah Paine, Judges, when Frederick Job and John Hoxie were tried for high treason, in levying war against the United States, but they were speedily acquitted by the jury.

The following statement or confession was made by Benjamin Whitcomb in his last sickness, to David Goodall, Esq. of St. Johnsbury, asserting

that he, during the war between the Americans and the British, on orders from Washington to shoot a British General in retaliation for the wanton massacre of Americans by British Indians and their officers, went from Ticonderoga into Canada and shot Gen. Gordon, and received a Major's commission therefor. Washington characterized the shooting of Gordon as assassination. It was stated in Thompson's Vermont *Gazetteer*, that Whitcomb shot General Gordon in July 1776, and took his sword and watch, but in a letter of June 12, 1777, found in Anbury's Travels, a British account in detail was given of the affair, and in that account no robbery was charged against Whitcomb, and no responsibility against any American officer. The General in command at Ticonderoga, expressed his diapprobation of the act in the highest terms, and Whitcomb to effect a reconciliation, promised to capture a British officer; he captured a friend of Anbury at the very spot where Gordon had been shot.

A very important affair to the public and unfortunate for the individual concerned, occurred at the Legislature. Abel Spencer a member of the Legislature from Rutland, and a former speaker of the House, was charged with highly dishonorable conduct. A committee was appointed to investigate the charges against him; he was found guilty by the committee of feloniously taking ninety-three dollars in bank bills, the property of three other members of the House. He was by a unanimous vote of the House expelled from his seat in the Legislature.

In 1804, a resolution was sent from the House to the Council, stating that "Whereas the Honorable Judges of the Supreme Court have been implicated by a member of the House for taking and receiving fees and perquisites in certain cases which are not allowed by law. Therefore, Resolved, That, a committee of three from this House be appointed to inquire and ascertain the fees and perquisites" that the judges had taken and received for the time mentioned in the resolution and report, but the Council did not concur. The result of the inquiry in the House was to relieve the judges from any blame in the matter of fees in the opinion of the committee. In 1805, the investigation was renewed and it resulted in a resolution declaring the fees complained of were taken by the judges with upright views, and that they are by law made judges of what is a reasonable and fair construction of the fee bill.

On Oct. 12, 1805, Gov. Tichenor transmitted to the speaker of the House resolutions of Kentucky which were the same in substance that had been transmitted to the speaker by Pennsylvania, proposing to amend the Constitution of the United States so as to exclude the Federal Courts from jurisdiction in cases between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grant of different States; and between a State or the citizens thereof, and foreign States, citizens or subjects. The position of Kentucky towards Virginia was very much the same as that of Vermont had been with New York be-

fore the settlement of the controversy in 1790, and that the Legislators of Vermont, therefore, understood the grievance of Kentucky and sympathized with her people. The Legislature postponed the matter till the session of 1806, when a favorable report was made and resolutions adopted instructing the Vermont Representatives in Congress to use their best endeavors to procure such an amendment to the Constitution as will confine the judiciary power of the courts of the United States to cases in law and equity arising under the Constitution and laws of the United States and treaties made or that shall be made under their authority; cases affecting ambassadors and other public ministers and consuls; cases of admiralty and maritime jurisdiction; controversies to which the United States shall be a party, and controversies between two or more States. The Legislature in adopting the resolutions made the following declaration.

"It is the opinion of this Legislature, that the good people of this State experience nearly all the inconveniences and evils expressed in the resolutions from the State of Kentucky; and that two independent courts, having no corrective over each other and holding jurisdiction over the same subject in controversy, cannot continue to exist in the same State without engendering seeds of jealousy and ill will, naturally tending to establish different and clashing rules of decision, and also forming two rallying points and erecting two standards for the resort of political partizans, and laying a foundation for that discord which may

eventually terminate in the dissolution of our happy Union; which, together with the great expense of the service of writs returnable at so great distance, and of witnesses attending courts, (no depositions being taken within one hundred miles of court,) and the fees of counsel above what is required in our State courts, induce this Legislature fully to concur with the Legislature of the State of Kentucky."

A sufficient number of the States did not ratify all of the proposed amendments and no change was ever made in the Constitution as proposed, except as provided in Article XI of the amendments to the Constitution: That article is as follows: viz., "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State."

On Jan. 13, 1808, the Legislature of Virginia adopted a resolution proposing an amendment to the Constitution of the United States, so, "that the Senators in Congress of the United States may be removed from office by the vote of the majority of the whole number of the members of the respective Legislatures by which the said Senators have been or may be appointed." This proposal was rejected in 1809; the Assembly declared as their opinion that the Senators did not hold their office during a period of sufficent duration to render such amendment necessary. At the October session of 1809, a proposition came from Pennsylva-

nia to amend the Constitution, so "that an impartial tribunal may be established to determine disputes between the General and State Governments." The Legislature rejected this proposal, giving as reasons for its action, that such disputes are not so frequent, nor of sufficient magnitude to render such a tribunal necessary.

In 1811, the Congress of the United States proposed the following amendment to the Constitution of the United States: viz., "If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honor, or shall, without consent of Congress, accept and retain any present, pension, office or any emolument whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them." This proposal was presented to the General Assembly by Governor Galusha on Oct. 17, 1811, and acted upon by the Assembly on October 22d of that year, and was agreed to, ratified and confirmed on the part of the State.

In 1807, the General Assembly, by their committee drafted an address to President Jefferson urging him to stand as a candidate for the Presidency of the United States for a third term. The federalists made no opposition to this address, and it was adopted. President Jefferson on Dec. 10, 1807, made the following reply:

"*To the Legislature of Vermont.*—I received in due season the *address* of the Legislature of Vermont, bearing date the 5th of November 1806, in

which, with their approbation of the general course of my administration, they were so good as to express their desire that I would consent to be proposed again, to the public voice, on the expiration of my present term of office. Entertaining, as I do, for the Legislature of Vermont those sentiments of high respect which would have prompted an immediate answer, I was certain, nevertheless, they would approve a delay which had for its object to avoid a premature agitation of the public mind, on a subject so interesting as the election of a Chief Magistrate.

"That I should lay down my charge at a proper period, is as much a duty as to have borne it faithfully. If some termination to the services of a Chief Magistrate be not fixed by the Constitution, or supplied by practice, his office, nominally for years, will, in fact, become for life; and history shows how easily that degenerates into an inheritance. Believing that a representative government, responsible at short periods of election, is that which produces the greatest sum of happiness to mankind, I feel it a duty to do no act which shall essentially impair that principle; and I should unwillingly be the person who, disregarding the sound precedent set by an illustrious predecessor, should furnish the first example of prolongation beyond the second term of office.

"Truth, also, requires me to add, that I am sensible of that decline which advancing years brings on; and feeling their physical, I ought not to doubt their mental effect. Happy if I am the first to perceive and obey this admonition of

nature, and to solicit a retreat from cares too great for the wearied faculties of age.

"For the approbation which the Legislature of Vermont has been pleased to express of the principles and measures pursued in the management of their affairs, I am sincerely thankful; and should I be so fortunate as to carry into retirement the equal approbation and good will of my fellow-citizens generally, it will be the comfort of my future days, and will close a service of forty years with the only reward it ever wished."

By an act of the Legislature of New York passed June 8, 1812, and an act of the Legislature of Vermont passed November 6th, 1812, three Commissioners from each of the two States were appointed and authorized to designate and mark a permanent boundary line between the two States. The Commissioners on the part of New York were Smith Thompson, Simeon DeWitt, and George Tibbits, and on the part of Vermont, Joseph Beeman, Henry Olin and Joel Pratt, 2nd. In 1813 and 1814, the Commissioners accomplished the work assigned them and made their report under their hands and seals bearing date October 25, 1814, which is too lengthy to insert here.

On October 25, 1814, the Governor put before the Council a letter from the Secretary of War of the United States and one from the Assistant Adjutant General of the Army of the United States, and in the latter there appeared the following clause, "It is the wish of the Government that two thousand of the militia of your State should be drafted and organized for immediate service, sub-

ject to the call, when necessary, of the commanding officer in this quarter." The Governor thereupon proposed to the Council for their consideration and advice, the following: "can the militia, when called into actual service, be legally commanded by any officers, except such as are appointed by this State?" The Council appointed a committee to take the question into consideration and make report. The Committee in their report to the Governor, after referring to Art. 1, Sec. 8, and Art. II., Sec. 2, of the Constitution of the United States, said, "The President may undoubtedly command the army and navy of the United States by officers lawfully commissioned by himself; but he cannot so command the militia of the States, when called into actual service of the United States, for the appointment of their officers is a right reserved to the States respectively. If, therefore, the President would command the militia when in actual service of the United States, he must do it in person, or exercise his command over them by officers appointed by the State, and not by officers appointed by the President. * * * As well might the officers of the militia, appointed by this State, when in the actual service of the United States, claim the right to command the army of the United States, as the officers of the army of the United States to command the militia. There is no constitutional provision for either to claim such right or exercise such command."

The General Assembly at its October session of 1814, passed an act appropriating a certain sum of money out of the County Treasury of Addison

County for the relief of Laban Cousins, which the Governor and Council, wisely did not concur in passing and stated in their reasons for non-concurrence, "that they doubted the existence of a power in the Legislature to pass a law directing money to be paid out of any treasury in this State by way of gift of any individual, except it be out of the State Treasury. * * * Corporations, as well as individual citizens, have their rights, which cannot be infringed by the Legislature. * * * It is true that the Legislature may by its act empower a corporation to make a donation, but the Legislature cannot direct a corporation to make a donation any more than it can a private citizen." This bill was dismissed on its being returned to the House, but another was passed empowering the judges of the court, if they deemed it expedient, to allow not exceeding eighty dollars, for Cousins' relief and draw orders for the same on the County Treasurer.

In 1813 and 1814, there was an effort made to give the State Supreme Court Judges the right to hold their office during good behavior, though removable by a concurrent vote of two-thirds of each of the Legislature. The Council of Censors (composed of Federalists) made such a proposal of amendment to the Constitution. This and all other proposed amendments, the convention of 1814, rejected by a vast majority. One article in the proposed amendment was one providing for a Senate in place of the Council, but it was rejected by a vote yeas 20, nays 188. Governor Galusha in his speech of 1815, referring to the proposed

amendment to give the judges the right to hold their office during good behavior, said, "When the citizens of this State saw an attempt at such an alteration in their Constitution, as would remove the election and accountability of many of their officers, at a greater, and truly dangerous distance from them—without distinction of party, they rallied around the standard of their liberty, and in the exercise of their sovereignty, secured the happy form and principles of a government, whose peculiar blessings they had long enjoyed."

The year of 1815, opened with the brightest prospects of peace. The war that had been waged between Great Britain for three years had been brought to a close; the time, money and men that had been devoted to a defensive war, now could be turned to the cultivation of the soil, the improvement of manufactures and other manifold industries, so as to supply the people with food, raiment and all the blessings of peace.

Governor Galusha in his speech to the Legislature in October 1815, said, "We are assembled at a highly interesting period; a period succeeding the most surprising events that ever burst upon the view of an astonished world. * * * The important contest in which we were deeply engaged with one of the most potent nations of the earth, has been happily terminated; and instead of the horrors of war we are surrounded with all the rich blessings of peace."

But in the year of 1816, the people met with a new experience. The spring and summer of this year was uncommonly cold. Snow fell in almost

every part of the State, and in many places to the depth of a foot and a half; a heavy fall of snow came as late as the 8th of June; the weather was cold and all crops were small and sickly, and great apprehension was felt that they would not mature; but little rain fell to moisten the earth; the earth was both dry and cold, and provisions were scarce. A general famine was apprehended from the uncommon failure of crops. Governor Galusha in his speech to the Legislature at the October session of the year 1816, said, "The uncommon failure of some of the most important articles of produce on which the sustenance of man and beast depend is so alarming that I take the liberty to recommend to you, and through you to the people of this State, the most rigid economy in the early expenditure of those articles of provision most deficient, that by peculiar precaution we may avoid, as far as possible, the foreboding evil of this unparalled season."

In the year 1815, the Legislature passed a most extraordinary and unwise act, granting to a company the exclusive right of navigating Lake Champlain by steam for twenty-three years. This act met with a determined opposition in the House, but was passed by a vote of 91 to 70. It was found to be afterwards unconstitutional and void.

From the year 1797 to the year 1816 it had been the practice of the House to return an answer to the Governor's speech, and at this session Richard Skinner of Manchester and Heman Allen of Colchester (both anti-Federalists,) and George Robinson of Burlington (Federalist) were appoint-

ed a committee to draft an answer to the Governor's speech; the anti-Federalists made a report expressing sentiments favorable to the speech, which was adopted by a vote 109 to 86; on these occasions, usually, a majority and a minority report would be made, when the reports would be discussed bringing out strong party feelings. With the session of 1816, terminated the practice of returning an answer to the Governor's speech, as the discussions consumed much time and gave rise to the most violent party contention.

In 1817, the internal affairs of the State assumed a more harmonious and prosperous condition; a bountiful harvest supplied the wants of the people; returning peace had brought tranquility to its borders, and business became generally more fixed and certain. Private acts were passed remunerating certain individuals for losses sustained in attempting to carry into effect the Vermont non-intercourse act, and Col. Fifield was granted $1,112 for his loss. Later, other claims were presented of the same nature, but the non-intercourse act having been declared unconstitutional by the Supreme Court of the State and all proceedings under it void, the Legislature refused to remunerate the claimants. These losses having been incurred in enforcing the Legislatvie acts, and declared illegal by the judiciary, in justice ought to have been paid by the power that occasioned them.

It was during the year 1817, that an arrangement was concluded with the British Government and the United States for the reduction of the naval force of both countries on the lakes, by provid-

ing that neither government should keep in service on lakes Ontario or Champlain more than one armed vessel, and that to have only one gun.

In the year 1818, a medical academy was instituted at Castleton by an act of the Legislature for the purpose of instructing in the science of physic, surgery, chemistry, and all the various branches connected with the healing art. That institution has been connected with Middlebury College.

In 1821, the Vermont Legislature took strong ground against Congress appropriating the public land in unjust proportion to the States for educational purposes. Governor Skinner had received propositions from both New Hampshire and Maryland to be acted upon by the Vermont Legislature, declaring that the public lands of the United States are the common property of the Union, and ought to be applied to the common use and benefit of the States in just proportions, and not to the use and benefit of any particular State or States, to the exclusion of others; and that any such partial appropriation of them, for State purposes, is a violation of our national compact, as well as of the principles of just and sound policy. And that, as large appropriations of the public lands have been made by the United States, to certain particular States for the purposes of education, the rights of other States, will be violated unless a like appropriation be made to them, of the public lands, for the same purpose, in just proportion. These views were embodied in resolutions and adopted by the Legislature. Governor Skinner in

laying before the Legislature the resolutions from New Hampshire and Maryland accompanied by reports of committees of their respective Legislatures, said, that "no State, in proportion to their ability contributed more to the acquisition of those rights, which were purchased by the toils, distresses and sacrifices of the revolutionary war, than Vermont. Situated upon the frontier, they constituted a barrier between the enemy and the Confederate States. Not having been acknowledged as a member of the confederation, no part of the expense they incurred in the war, has been assumed by the general government, while they have participated in the burden of the funded debt."

In 1821, the Legislature became awakened to the evils of *treating* in ardent spirits among the militia. On Nov. 9, 1821, the House sent up for the concurrence of the Council the following:

"Resolved, That the custom which prevails with the commissioned officers of the militia of this State of giving, by way of *treat*, ardent spirits to those under their command, is attended with pernicious consequences to the militia, and merits the disapprobation of this General Assembly. The practice becomes burthensome to officers, corrupts the morals of the soldiers, tends to introduce disorder, confusion and disobedience and ought to be discountenanced by all classes of the community." In a second resolution the officers were requested to use their exertions, in orders or otherwise to carry into effect the resolutions. The resolutions were concurred in.

Previous to 1824, the three judges of each County Court had consisted mainly of farmers, mechanics, merchants, and clergymen, but rarely of a lawyer or a man learned in the law. Courts so composed, undoubtedly endeavored to do justice between litigants, but it is obvious that they were liable to frequent error through a lack of knowledge of the law. Through an act drawn by Hon. Samuel Prentiss of Montpelier in 1824, this serious defect was remedied, as it was provided by that act that every chief justice of a County Court should be some one of the judges of the Supreme Court, presumably a jurist of high repute—while the two assistant judges were left to be appointed as before. This change added dignity to the County Courts, and inspired litigants with confidence in having their legal rights secured. That system still continues.

On Oct. 14, 1825, the speaker of the House was authorized to assign a seat upon the floor of the House to some person to report the debate and proceedings. The reports were printed in the Vermont Watchman, then the only newspaper printed in Montpelier. This was the origin of official legislative reports. For a time slips of legislative reports were printed daily for the use of both Houses by order of the Legislature, and this speedily grew into a small daily newspaper during the session, with which members were supplied at the expense of the State, which served as an aid in the discharge of their official duties. Edward V. Sparhawk was selected as the first official reporter.

At the legislative session of 1825, the House

had passed a bill which the Council suspended until the session of 1826. At the last named session the House repassed the same bill and declared it to be a law without the concurrence of the Governor and Council. Thereupon the Council on Nov. 1, 1826, resented the action of the House by passing the following resolutions: viz. Resolved, in the opinion of the Council, that no bill originally introduced into the House of Representatives, can become a law without the concurrence of the Governor and Council. Resolved, That any attempt of the House of Representatives to pass laws without the concurrence of the Governor and Council is an infringement upon the constitutional powers and prerogatives of the Governor and Council. Resolved, That the late act of the House of Representatives to declare a bill entitled, "An act repealing part of an act therein mentioned, to have become a law without the concurrence of the Governor and Council, is an assumption of power unprecedented and unwarranted by the Constitution." E. P. Walton, on this action, says in the Governor and Council, the custom had been to send such bills to the Council for concurrence, which had been granted as a matter of course—so the Council was right in its resolution on this question. But were the Council not to concur in a suspended bill, nevertheless, on its re-enactment by the House, it would become a law. So on that point, the House was right. The House had simply neglected a courtesy which had been customary.

On Nov. 6, 1827, Heman Allen of Milton was

elected Judge of the Supreme Court in the place of Stephen Royce, Jr. declined, but Allen also declined and later, Royce was induced to accept the position. It was this year that the Vermont Mutual Fire Insurance Company was incorporated, which ever since has been doing a successful business, the managers of which have had the confidence of the people. On Nov. 13, 1827, the House instructed the Vermont delegation in Congress to favor the purposes of the American Colonization Society by government aid.

On Oct. 27, 1832, a resolution was presented in the House by Charles Carron, Jr., the Representative of Isle La Motte, and concurred in by the Council, to effectually protect the citizens of the State engaged in the manufacture of marble from competition. It was the first resolution inviting the attention of the Legislature to one of the most admirable and valuable productions of the State.

At the October session of the Legislature of 1833, Solomon Foot of Rutland, afterwards a distinguished member of the United States Senate, introduced a resolution in the House, "that the Governor be requested to procure a sword, ornamented with devices emblematical of the capture of the Cyane and Levant, by the American Frigate Constitution, and present the same to Lieutenant Horace B. Sawyer, as a testimony of the high sense which the General Assembly entertain for his services and gallantry in that memorable action." This resolution was adopted without division, but rejected by the Governor and Council. In 1834, the House again adopted the resolution, and again

it was rejected by the Council; in 1835, the same resolution failed in the House, but in 1856 both the House and Senate concurred in paying the well deserved compliment. Captain Sawyer reciprocated by presenting to the Governor for the Executive Chamber, an elegant chair, manufactured from the wood of the old frigate Constitution. Captain Horatio Bucklin Sawyer was the grandson of Col. Ephraim Sawyer who commanded a Massachusetts regiment at the Battle of Bunker Hill and Saratoga, and son of Col. James Sawyer, an officer in the War of the Revolution. Captain Sawyer was born in Burlington, Vt., Feb. 22, 1797; he was appointed midshipman in the U. S. Navy in 1812, and commenced service on Lake Champlain; he was captured on the sinking of the sloop Eagle in 1813, and detained for a year at Quebec as a prisoner; and on his release he was assigned to the frigate Constitution under Commodore Stewart, and served with credit in the action which resulted in the capture of the British ships named in said resolution. While engaged in preserving neutrality, at Derby Line, during the "Patriot Rebellion" in Canada, he was appointed lieutenant commandant in the Navy, and in 1854, received a commission as post captain. He had a long and honorable service in the Navy. He died at the city of Washington, Feb. 14, 1860.

In 1835, there was no election of Governor by the people, but Silas H. Jenison was elected Lieutenant Governor. It had been the practice for the Governor-elect to issue the commissions to the officers elected by the Legislature during the session.

It was a matter of convenience that they should be so issued; and the question arose who should sign the commissions. On Nov. 6, 1835, the following resolution was introduced before the Council: "Resolved, That His Honor the Lieutenant Governor be requested to issue commissions, to the officers elected by the Ceneral Assembly, and other officers entitled to commissions in all cases when it hath been, heretofore usual to issue commissions during the session." A committee was appointed who reported, by George P. Marsh for the committee, to the Lieutenant Governor and the Council, that the Lieutenant-Governor, in their opinion, had the undoubted right to issue the commissions, "whether the late incumbent of the gubernatorial chair be holden to be still in office or not," but referred the question to the Supreme Court. Section XI of the second part of the Constitution then read as follows:—

"The Governor, and in his absence, the Lieutenant Governor, *with the Council* (*the major part of whom including the Governor or Lieutenant Governor, shall be a quorum to transact business,*) shall have power to commission all officers, and also to appoint officers, except where provision is or shall be otherwise made by law, or this frame of government; and shall supply every vacancy in any office, occasioned by death or otherwise, until the office can be filled in the manner directed by law or this constitution."

Judges Titus Hutchinson and Samuel S. Phelps furnished the Council their opinion of the question involved, the full text of which is too long to be

stated, but the substance of which was that the "Plan or Frame of Government" which declares that the person having the major part of votes to be Governor, for the year ensuing, does not limit the exercise of the powers of Governor to the precise period of twelve calendar months, or one solar year; it is not to be understood that the powers of Governor shall cease before a successor is elected. While the election of Governor is pending in the Legislature, it must be considered, that the powers of the incumbent continue until a successor is elected, and this from the necessity of the case. The expression "the year ensuing" was undoubtedly intended to mean the political year. The court did not decide that the Governor would have any power to act as Governor after the dissolution of the legislative session without electing a successor of the Governor. Undoubtedly if the Legislature should take a final adjournment without electing a governor, in case the people had failed to elect one, the powers of the Governor would cease and the Lieutenant Governor would be the Acting Governor as it was in the year from November 1835, to the next session of the Legislature in 1836, when Silas H. Jenison, elected as Lieutenant, was *ex-officio* Governor on account of the failure of William A. Palmer, the leading candidate for Governor or other persons, to be elected as Governor.

CHAPTER VII.

BRITISH AGGRESSION AND CAUSE OF THE WAR OF 1812 AND VERMONT'S ATTITUDE RESPECTING IT.

England has been and is called our mother country and in some respects that is true, and Americans have been willing that that appellation should be applied to them, but for many years after the American Colonies gained their independence England showed anything but a mother's care or respect for them. It was a bitter disappointment for the haughty British nation to surrender all authority over the American Colonies that she had clung to with such unparalleled tenacity, and acknowledge their attempted coercion a failure.

After the separation was accomplished, instead of fostering a just and friendly spirit, a domineering, captious and an illiberal spirit pervaded her dealings with America. Any small unintentional infractions of national law were greatly magnified. She acted as though the colonies that had been wrenched from her grasp, by reason of England's oppressive course, had no rights that Englishmen were bound to respect. This state of feeling was exhibited in their reluctance or refusal to with-

draw their troops from Dutchman's Point and the entire town of Alburgh lying south of 45°, the line agreed upon between Canada and the American territory in the treaty granting the Colonies their independence; it was seen in the British inciting the Indians to barbarous acts of cruelty against the settlers in the frontier States, and to acts of war against the United States for many years after the Revolutionary War; it was seen in building and holding Fort Miami and committing other depredations along our western frontier and sending English troops with savage Indians on to American territory with hostile designs; it was seen in the flagrant abuse of impressment of seamen; in the forcible seizure of American citizens for service in the British Navy. England not content wih reclaiming deserters, or asserting the eternity of British citizenship, through her naval authorities, was compelling thousands of men of unquestioned American birth to help fight her battles.

Robert Stewart Castereagh, a British statesman, admitted that there had been sixteen hundred *bona fide* cases of this sort by Jan. 1, 1811. In her conduct with other nations, and in exercising, even her just claims, she ignored international law, as well as the dignity and sovereignty of the United States. The odious right of search she shamefully abused. When pressed by America for apology or redress, she showed no serious willingness to treat upon the complaints, but seemed to resolve to utilize our weak and too trustful policy of peace. An instance of their insolent policy

is shown in the Chesapeake affair. In June 1807, Commodore Barron, in command of the United States war vessel Chesapeake was attacked by the Leopard a British two-decker of fifty guns, outside of the mouth of Chesapeake Bay, to recover three sailors, falsely alleged to be British born, on board. Surrender being refused, the Leopard opened fire. The Chesapeake received twenty-one shots in her hull, three of her crew were killed and eighteen wounded. This attack upon the Chesapeake while unsuspicious of danger concentrated upon the British nation the whole weight of popular indignation. The American vessel being unprepared struck her colors and was boarded by a detachment from the Leopard. Humphrey, the Leopard's commander, declined to take the Chesapeake as a prize, and said he had obeyed his directions in seizing the men and wanted nothing more of the vessel. On investigation it was ascertained that three of the men taken from the Chesapeake were citizens of the United States, who had been impressed into the British service and afterwards made their escape. This wanton exercise of power derogatory to national honor aroused the spirit of our people. The rancor of American party spirit which had so long embittered the intercourse of social life subsided in the desire to avenge the injury, and to support the government by treaty or war, to obtain satisfaction for the insulting outrage. The President issued a proclamation prohibiting all British ships of war from continuing or entering within the harbors or waters of the United States. Reparation for the

injury, and security against any future aggression was demanded. The act of the commander of the Leopard, after a long delay, was disavowed by the British government; but the delay to adjust the difficulties and refusing to adopt adequate measures to prevent the continuance of aggression, feelings of hostility against England rose to a high pitch.

The General Assembly of Vermont, co-operating in their views with the general sentiment of the American people adopted a resolution, with but one dissenting vote, stating that they viewed with indignation and abhorrence the unjustifiable conduct of the British cruisers, in the impressment and murder of American citizens, and plundering of their property upon the high seas and even in the very entrance of our harbors, and more especially in the late hostile attack made upon the American frigate Chesapeake by the British ship Leopard. And the Assembly "Resolved, That at this awful crisis, when our national honor and independence are insulted by a nation with whom we, forgetful of former injuries, have not only endeavorad to cultivate harmony, by preserving a strict and perfect neutrality, but to conciliate their friendship by every act of benevolence, humanity and assistance compatible with the justice due to ourselves and others, it is the duty of every American to rally around the constituted authorities of his country and to support them with his life and fortune, in resisting any encroachments on our national and individual rights by any foreign power whatever; and in procuring redress for the

many injuries we have sustained and which our patience and friendly forbearance has suffered too long, injuries committed in a manner unusually barbarous and calculated to fix an indelible stigma." The Assembly also passed a resolve commending the course of the President in the trying occasion and expressed confidence in his wisdom, integrity and ability, and transmitted a copy of them to the President, Thomas Jefferson.

A state of war existed between England and France and they treated all neutral powers as enemies if they continued commercial relations with the nation with which they were at war; consequently these two powers which were at war with each other subjected the carrying vessels and their cargoes of the neutral nations, continuing their friendly and commercial relations with the other nation with which they were at war, to seizure and confiscation contrary to the enlightened law of nations. This position placed the American nation between the "devil and the deep sea." Evidently the time was hastening when the United States must either declare war against England or France or both, or continue to submit to the seizure of their vessels and cargoes and destruction of their navy and the cruel and barbarous treatment of two arrogant nations. The latter course the United States could not do without losing its honor and self respect.

On Dec. 17, 1807, Bonaparte, by his "Milan Decree" subjected American commercial vessels to seizure, and on April 17, 1808, he ordered the seizure and confiscation of all American vessels in

France, or that should afterwards arrive there. The policy of England against America continued to be enforced with rigor, and a great number of American vessels, with valuable cargoes, fell into the hands of English cruisers. Nine hundred and seventeen American vessels had been, before 1810, taken by the English since 1803.

On March 23, 1810 Bonaparte ordered the sale and confiscation of one hundred and thirty-two American vessels, (detained in France by previous decree) and their cargoes of the value of $8,000,000. The French nation had seized, confiscated and destroyed five hundred and fifty-eight vessels. Before the war of 1812 was declared upwards of six thousand cases of impressment were recorded in the American department of State, and in all these the American flag had been violated by England. The French nation laid the blame for these extraordinary proceedings at the doors of the English government; that the French justified their course, to retaliate on England for her course and policy against the French nation. The English course and policy was to constrain all neutrals, comprising almost every maritime nation of Europe, to pay tribute, if they traded with France or her allies. This was immediately succeeded by the said Milan Decree, declaring that every neutral vessel which submitted to the British restrictions, should be confiscated if they were afterwards found in their ports, or taken by the French cruisers. This state of affairs existed at the time the American embargo proclamation was issued. This was designed to coerce the belligerent powers

to return to the observance of the laws of nations, by withholding from them the advantages of the American trade. In March 1809, a non-intercourse act, prohibiting all intercourse with France or Great Britain during one year, was substituted by Congress for the embargo. This non-intercourse law expired in May 1810, and the national government made proposals to both France and England, that if either would revoke its hostile edicts this law should only be revived and enforced against other nations. It had ever been the American policy to observe a perfect impartiality toward each belligerent. The authorities of France informed the American officer that the Berlin and Milan decrees were revoked, to take effect the first day of November 1810. England was called upon to revoke her orders of confiscation, but she refused and established a kind of blockading system, through the principal harbors of the United States, so that vessels departing or returning, were boarded and searched, and some of them sent to British ports as legal prizes, and American commerce nearly destroyed, and that of France badly crippled by the powerful British Navy.

The people of the country became very restive under the embargo act of Dec. 22, 1807, and Vermonters especially under the act of March 12, 1808, commonly called the "land embargo," which was promulgated simultaneously with the opening of navigation on Lake Champlain. Under the first named act the attention of Vermont people turned to Canada for a market for their timber, and pot and pearl ashes which were then their chief articles

of export. This market was interfered with by the "land embargo" and the distress of the people, and the zeal of the Federal politicians who made the most of their opportunities, excited great dissatisfaction with the national government. Smuggling became a regular business with many and had the sympathy of many citizens. Jabez Penniman the collector of the Vermont District, received the embargo law on April 1, 1808, and he, through the advice of Asa Aldis and C. P. Van-Ness, addressed a letter to Mr. Gallatin, Secretary of the Treasury, stating it was impossible to execute, the land embargo law, without a military force. The enforcement of this law brought on the serious affair of the "Black Snake" which has already been referred to in Chapter VI. President Jefferson was fully determined to put an end to the smuggling, and enforced the embargo Acts of Congress, and to furnish Collector Penniman with sufficient authority and force to enable him to enforce the law in his district. This determination is clearly shown by his letter to the Secretary of the Treasury of April 19, 1808, which is as follows:

"We have concluded as follows: 1st. That a letter from your department to the Collector on Lake Champlain, shall instruct him to equip and arm what vessels he can and may think necessary, and engage as many persons on board them as may be necessary, and as can be engaged *voluntarially*, by force of arms, or otherwise, to enforce the law.

"2d. The Secretary of State writes to the Marshall, if the opposition to the law is too powerful

for the collector, to raise his posse, (which, as a peace officer, he is fully authorized to do on any forcible breach of the peace,) and to aid in suppressing the insurrection or combinations.

"3d. The Secretary of War desires the Governor, if the posse is inadequate, to publish a proclamation with which he is furnished, and to call on the militia. He is further, by a private letter, requested to repair to the place, and lend the aid of his counsel and authority according to exigencies.

"We have further determined to build two gunboats at Skenesborough, [Whitehall, N. Y.]"

The proclamation referred to is as follows:

"*By the President of the United States,*

A PROCLAMATION.

"Whereas information has been received that sundry persons are combined or combining and confederating together on Lake Champlain and the country thereto adjacent, for the purposes of forming insurrections against the authority of the laws of the United States, for opposing the same and obstructing their execution; and that such combinations are too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the Marshals, by the laws of the United States:

"Now therefore, to the end that the authority of the laws may be maintained, and that those concerned, directly or indirectly, in any insurrection against the same may be duly warned—I have issued this my PROCLAMATION, hereby commanding such insurgents, and all concerned in such com-

binations, instantly and without delay to disperse themselves and retire peaceably to their respective abodes: And do hereby further require and command all officers having authority, civil or military, and others, civil or military who shall be found within the vicinage of such insurrections, to be aiding and assisting by all the means in their power, by force of arms or otherwise, to quell and subdue such insurrection or combinations, to seize upon all those therein concerned, who shall not, instantly and without delay, disperse and retire to their respective abodes; and to deliver them over to the civil authority of the place, to be proceeded against according to law.

"In testimony whereof, I have caused the Seal of the United States to be affixed to these presents, and signed the same with my hand. Given at the city of Washington, the 10th of April 1808, and in the sovereignty and independence of the United States the thirty-second." TH: JEFFERSON.

The military power was invoked. On May 5, 1808, by order of Governor Israel Smith, Gen. Levi House ordered out a detachment from the first regiment of his brigade in Franklin County who were stationed at Windmill Point. The special purpose was to prevent several rafts from passing into Canada. People had been accustomed to take advantage of darkness and a strong favorable wind and escape into Canada, and this too, after the Franklin County detachment had been called into service to prevent; this called in question the efficiency of the Franklin County militia, and therefore one hundred and fifty militia on May

31, 1808, were marched from Rutland County for that service, and were reinforced by a detachment of U. S. Artillery, and all but seventy-five of the Franklin County men were discharged to their great indignation. Later in October of that year all of the Vermont militia were withdrawn and their places supplied by United States troops.

This resort to force by the government served to increase the fervor of the Federal party and gave them the victory at the then ensuing election of State officers.

Early in 1809, after the passage of the new embargo act of Jan. 9, the following circular was sent to Governor Tichenor, prepared by Thomas Jefferson himself for the Governors, viz:

"*Sir*,—The pressure of the embargo, although sensibly felt by every description of our fellow citizens, has yet been cheerfully borne by most of them, under the conviction that it was a temporary evil, and a necessary one to save us from greater and more permanent evils,—the loss of property and surrender of rights. But it would have been more cheerfully borne, but for the knowledge that, while honest men were religiously observing it, the unprincipled along our sea-coast and frontiers were fraudulently evading it; and that in some parts they had even dared to break through it openly, by an armed force too powerful to be opposed by the collector and his assistants. To put an end to this scandalous insubordination to the laws, the Legislature has authorized the President to empower proper persons to employ militia, for preventing or suppress-

ing armed or riotous assemblages of persons resisting the custom-house officers in the exercise of their duties, or opposing or violating the embargo laws. He sincerely hopes that, during the short time these restrictions are expected to continue, no other instances will take place of a crime of so deep a die. But it is made his duty to take the measure necessary to meet it. He therefore requests you, as commanding officer of the militia of your State to appoint some officer of the militia, of known respect for the laws, in or near to each port of entry within your State, with orders, when applied to by the collector of the district, to assemble immediately a sufficient force of his militia, and to employ them efficaciously to maintain the authority of the laws respecting the embargo, and that you notify each collector the officer to whom, by your appointment, he is so to apply for aid when necessary. He has referred this appointment to your Excellency, because your knowledge of characters, or means of obtaining it, will enable you to select one who can be most confided in to exercise so serious a power, with all the discretion, the forbearance, the kindness even, which the enforcement of the law will possibly admit—ever to bear in mind that the life of a citizen is never to be endangered but as the last melancholy effort for the maintenance of order and obedience to the laws."

In February 1809, meetings were held at St. Albans adopting resolutions strongly condemning the course of the national administration. At this period Gov. Tichenor visited Northern Vermont

and it was understood, advised political opposition to the national administration, instead of resistance to the laws by force.

Fresh causes of complaint against England by America multiplied; their unjustifiable intrigue and war-like conduct continued. Great Britain was seeking to dismember the American Union; she sought the renewal of the policy adopted by her as to Vermont from 1779 to 1783, as shown in the Haldimand correspondence.

To bring before the reader the nature of the intrigue referred to, it will be necessary to present two characters that took leading parts in the intrigue, James Henry Craig and John Henry. Craig was born in Gibralter in 1749, commissioned as Ensign in the British Army in 1763, and served in America in various positions from 1774 until 1781. He was in the Battle of Lexington, Bunker Hill, Hubbardton, and at Freeman's Farm and was severely wounded in the three last. He was made Lieut.-General in 1801, and appointed Commander-in-chief of Canada in August 1807. He proved unfit for a civil station.

John Henry was a native of Ireland and came to Philadelphia about 1794; he possessed considerable literary ability. He became naturalized and was appointed Captain in the United States Army in 1798, and commanded at Fort Jay near New York City and at Newport, R.I. He quit the service and settled upon a farm in Vermont, studied law and wrote some violent articles against the Jeffersonian administration. He went to Canada in 1808. His strictures in the public print

against Republican government attracted the attention of the British government and Craig became desirous of his acquaintance and invited him to Quebec. He went to Montreal where he said, "everything I had to fear, and all I had to hope, was disclosed to me." He was sent on a mission to New England and his services there were complimented but not rewarded by the British government; and indignant at this injustice, he revealed the correspondence to President Madison, and received therefor fifty thousand dollars. The object of England was to concert measures to detach New England and effect a political connection with Great Britain.

On March 9, 1812, James Madison laid before Congress the following message, viz:

"I lay before Congress copies of certain documents which remain in the Department of State. They prove that at a recent period, whilst the United States, notwithstanding the wrongs sustained by them, ceased not to observe the laws of peace and neutrality toward Great Britain, and in the midst of amicable profession and negotiations on the part of the British government, through its public minister here, a secret agent of that government, was employed in certain states, more especially at the seat of government in Massachusetts, in fomenting disaffection to the constituted authorities of the nation, an in intrigues with the disaffected, for the purpose of bringing about resistance to the laws, and, eventually, in concert with a British force, of destroying the Union and forming the eastern part thereof into a political connection with Great Britain.

"In addition to the effect which the discovery of such a procedure ought to have on the public councils, it will not fail to render more dear to the hearts of all good citizens, that happy union of these states, which, under Divine Providence, is the guaranty of their liberties, their safety, their tranquility, and their prosperity."

Herman W. Ryland, Secretary to Sir James Craig, Governor General of Canada, on Jan. 26, 1809, addressed a letter to Henry, marked, "Most secret and coufidential," in which he asked Henry to acquaint him for his Excellency's information, whether he could make it convenient to engage in a mission, as indicated above. It seems that Henry accepted the mission and service for Governor General Craig speaks in his letter to Henry of Feb. 6, 1809, of Henry having "readily undertaken the service" and requested him to repair to Boston and endeavor to obtain information of the true state affairs in that part of the Union, and cautioned him as to the true mode of proceeding with his mission; to assertain public opinion, both in regerd to their internal politics and the probability of a war with England; the comparative strength of the two great parties and their views and designs. In which letter the Governor General stated:

"It has been supposed that if the federalists of the eastern states should be successful in obtaining that decided influence, which may enable them to direct public opinion, it is not improbable that rather than submit to a continuance of the difficulties and distress to which they are now subject,

they will exert that influence to bring about a separation from the general union. The earliest information on this subject may be of great consequence to our government, as it may also be, that it should be informed, *how far in such an event they would look up to England for assistance or be disposed to enter into a connection with us.*"

* * * He further stated in the letter, "In passing through the State of Vermont, you will of course exert your endeavors to procure all the information that the short stay you will probably make there will admit of," and gave him directions not to address all his letters for him to one person but to different persons named. Craig gave Henry the following credentials under his hand and seal: "Sir,—The bearer Mr. John Henry is employed by me, and full confidence may be placed in him for any communication which any person may wish to make to me *in the business committed to him.*" Henry by his letter to the Gov.-General bearing date at Montreal Feb. 10, 1809, acknowledged the receipt of the letter of instruction, the letter of credence, and the cypher for carrying on the correspondence, and said he had "bestowed much pains on the cypher," and said, "Should it, however, be necessary at anytime, I take leave to suggest that the index alone furnishes a very safe and simple mode. In it there is a number for every letter in the alphabet, and particular numbers for particular phrases; so that when I do find in the index the particular word I want I can spell it with the figures which stand opposite the letters." Henry on his way to Boston stopped two days at

Burlington, to make himself acquainted with the opinion of the leading people. He wrote the Gov.-General from Burlington Feb. 14, 1809, that "on the subject of the embargo laws, there seems to be but one opinion: namely, "that they are unnecessary, oppressive, and unconstitutional," and that the execution of them is so invidious, as to attract towards the officers of government, the enmity of the people;" he said the Governor of the State was then visiting the Northern part of the State, and that he "makes no secret of his determination, as Commander-in-chief of the militia, to refuse obedience to any command from the general government," and he said, "It is farther intimated that in case of war, he will use his influence to preserve this State neutral and resist, with all the force he can command, any attempt to make it a party. I need not add, that, if these resolutions are carried into effect, the State of Vermont may be considered as an ally of Great Britain." He could not say what the sentiment was in the eastern part of the State, but he claimed the leading men of the federal party acted in concert, and therefore inferred that a common sentiment pervaded the whole body throughout New England, but he had learned there was a very formidable majority in Congress on the side of the administration. He said there was every reason to hope that the Northern States in their distinct capacity will unite and resist by force, a war with Great Britain. He closed his letter to the Gov.-General by saying, "and everything tends to encourage the belief, that the dissolution of the Confederacy will

be accelerated by the spirit which now actuates both political parties." There was another side of the question that Henry did not care to, or, at least, did not take into consideration. The feeling against Jeffersons administration on account of the enforcement of the embargo laws were much stronger in Northern Vermont than in other parts of the Union, and stronger even than in Eastern and Southern Vermont as the embargo and non-intercourse laws deprived the people in the northern part of the State of their market; and the American people still remembered the cruel and barbarous treatment they received from the British during the Revolution, and that the hardships now they were called upon to endure by reason of the embargo and non-intercourse laws were brought on by the course pursuedby the English nation.

On Feb. 19, 1809, he wrote again from Windsor. He did not find the sentiment so strong against the government. He said, the Democrats assert that in case of war with Great Britain "the people will be nearly divided in equal numbers. This difference of opinion is not to be wholly ascribed to the prejudices of party. The people in the eastern section of Vermont, are not operated upon by the same hopes and fears as those on the borders of the British Colony. They are not dependent on Montreal for the sale of their produce, nor supply of foreign commodeties. They are not apprehensive of any serious danger or inconvenience from a state of war." Still he thought that Vermont would in all probability unite wlth other neighboring States in resistance to a war. Henry next

wrote from Amherst, New Hampshire, Feb. 23, 1809, and said he had not had sufficient time nor evidence to enable him to form any opinion of the lengths to which the Federal party will carry their opposition to the National government, in the event of war, but he was not apprehensive of immediate war. He thought means would be taken to excite England to commit some act of hostility so as to place the responsibility on that country. While at Boston, Henry wrote a series of letters from March 5, 1809 to June 25, 1809. In several of his letters he cast a slur upon American political institutions; he said, "there is nothing perminent in its political institutions, nor are the populace under any circumstances to be relied on, when measures come inconvenient and burdensome." Under the date of March 7, he said Congress in May would begin by "abrogating the offensive laws." He closes his letter of March 13, by saying, "Although the non-intercourse law affords but a very partial relief to the people of this country, from the evils of that entire suspension of commerce to which they have reluctantly submitted for some time past, I lament the repeal of the embargo, because it was calculated to accelerate the progress of these States towards a revolution that would have put an end to the only republic that remains to prove, that a government founded on political equality, can exist in a season of trial and difficulty, or is calculated to ensure either security or happiness to a people." He closes his letter of March 29, by saying, "It should be the peculiar care of Great Britain to foster

divisions between the North and South; and by succeeding in this, she may carry into effect her own projects in Europe, with a total disregard of the resentments of the Democrats of this country." In his letter of May 5, he says, "Although the recent changes that have occurred quiet all apprehension of war, and consequently *lessen all hope of separation of the States;* and speaking of President Madison, he says "Whatever his motives may be, I am very certain his party will not support him in any manly and generous policy.

"Weak men are sure to temporize when great events call upon them for decision, and are sluggish and inert at the moment when the worst of evils is inaction. This is the character of Democrats in the Northern States." These expressions show great ignorance on the part of the writer of them or an evil and pusillanimous spirit, and was in fact near the close of a discreditable undertaking; his mission was an utter failure; it did not appear that he succeeded in corrupting the fidelity of any individual and much less in separating any State from the Union.

His last letter from Boston to the Gov.-General Craig was dated June 25, 1809, in which he says, "The unexpected change that has taken place in the feelings of political men in this country, in consequence of Madison's prompt acceptance of the friendly proposals of Great Britain has caused a temporary suspension of the conflict of parties. * * * I beg leave to suggest, that in the present state of things in this country, my presence can contribute very little to the interest of Great

Britain." H. W. Ryland wrote Henry from Quebec, May 1, 1809, in which after stating he expected him to arrive at Montreal by the middle of June and that he had the whole of his correspondence transcribed for the purpose of being sent to the home government where they could not fail of doing him great credit and eventually contribute to his permanent advantage, said "I am cruelly out of spirits at the idea of old England truckling to such a debased, and accursed government, as that of the United States."

Henry returned to Canada and made application to the British authorities for reward for his services and expenses and to receive some lucrative employment under the English government, but he failed to get either from Great Britain. He then, voluntarily disclosed to President Madison not only the nature of the plot and intrigue by the actual correspondence relating thereto, for which he received fifty thousand dollars. Afterwards the British officials undertook to deny that the government had any hand in the intrigue. Augustus J. Foster, the British Minister at Washington, March 11, 1812, wrote to James Monroe disclaiming, on his own part of having had any knowledge of an existence of such a mission, and expressed his conviction that no countenance was given by his associate British officers to any scheme hostile to the internal tranquility of the United States, and requested the American government and Congress to suspend any further judgment on its merits until the circumstances shall have been known to his majesty's government. It is dificult

to believe that the English government were not concerned in the scheme.

The letters of Mr. Erskine the British Minister written about the time that Henry received his commission, as related by James Fisk, one of Vermont's members of Congress, showed he had endeavored to assertain the views and strength of the Federal party, and to what extent they would be willing to resist the measures of the party in power; and also stating in his letters that he had heard that a dissolution of the Union "had been seriously contemplated by many of the leading people in the eastern district." This attempt to dismember the Union by a secret mission adds to the list of British wrongs and another well grounded cause for a declaration of war against Great Britain.

The year of 1812, when the United States declared war against England, was an eventful period in the history of the American Union, Nathan Hoskins in his history of Vermont, says, it was a time when "faction and its concomitant evils had disordered the Union of society—war and its devastating consequences destroyed the subjects and resources of the government—commerce was driven from the ocean, and peace from the hallowed sanctuary of freedom. Rulers were distrusted by the people, and the people in return were charged with infidelity to the government. Silence was construed into disaffection and loyalty into oppression." Vermont stood in the very forefront of danger laying on the frontier, where in case of war with Great Britain the heaviest blows would be struck.

Before the declaration of war Governor Jonas Galusha in his speech to the Legislature in October 1811, stated the situation as follows: "At no period since the commencement of the differences has appeared to me so portentious as at present. Great Britain seems not inclined to relinquish her offensive orders in council, surrender up our impressed seamen, or permit us to enjoy the common and legal rights of a neutral nation—but assume the attitude of a threatening invader, although France has mitigated the rigor of her hostile measures, and so modified her Berlin and Milan decrees that they have ceased to operate against the United States. Let us as far as possible, be prepared for any event which may occur. To be united is indispensably necessary to be prepared either for a state of war or for the full enjoyment of peace."

CHAPTER VIII.

VERMONT IN THE WAR OF 1812—1814.

It seems that the British government had failed to observe the terms of its treaty with United States. Its conduct had become so obnoxious and overbearing towards the United States government it hastened a conflict with the latter. The pernicious effect of the orders of the British government against our commerce, the arrogance of the British Navy on the sea, "the right of search," the utterly unreasonable character of their claims of dominion, their repeated seizure of men—American citizens at that—from the decks of our ships on the plea that they were British subjects, their entire disregard of our flag, their contempt for America and Americans, finally led to a declaration of war against England by Act of Congress on June 18, 1812. In preparation for the expected bloody conflict, Congress, on April 10, 1812, authorized the President to detach one hundred thousand militia, to be organized and held in readiness to march at a minute's notice, and to serve six months after arriving at the place of rendezvous.

On May 28, 1812, the Secretary of War apportioned three thousand of the number to Vermont, and thereupon Governor Galusha as Commander-in Chief of the militia of the State ordered that Ver-

mont's detachment should form one brigade to consist of four regiments of ten companies each—eight of infantry, one of artillery and one of cavalry, and to be taken from the four divisions, commanded respectively by Major General Lewis R. Morris, William Cahoon, David Robinson and Hezekiah Barnes, and directing them to take special care that the men detached from their divisions be promptly organized, and completely equipped, with arms and accoutrements fit for actual service, including blankets and knapsacks. The Governor closed his general order in the following patriotic and determined language:

"The Commander-in-Chief views it of the greatest importance, at this momentous crisis, that we should be prepared to defend our sacred rights and dear bought liberties, and protect the honor and independence of the nation, against the invasion of any foreign power: he, at the same time, possesses the highest confidence in the patriotism, zeal and bravery of the officers and soldiers of the militia of this State, and is fully persuaded, that on the present occasion, they will by, a speedy and cheerful compliance with these orders, evince to the world, that they are ready to meet any exigency that may occur, and have but one mind when their country calls."

The order was responded to promptly, and the Vermont troops were at Plattsburgh as early as Sept. 21, 1812, or at least a part of them. General Jonathan Orms was in command of all the militia in Vermont during the war and had his headquarters at Burlington.

The causes for a declaration of war against Great Britain had existed so long before the declaration was issued and the parties differing as to the policy of declaring war, a large portion of the people had concluded there would be no war and were unprepared for it. The official return of the militia of Vermont in 1809, showed 15,543 rank and file, with 11,523 muskets, 5,273 bayonets, 6,302 cartridge boxes, 5,657 steel ramrods. No rifles were returned and only 1,041 pairs of pistols and no canons, but in 1812, the United States added 2,500 muskets. The declaration of war aroused the people to action, especially along the northern border of the State, through patriotism and to secure their own safety from British and Indian attacks. The nursery tales of Indian havoc and warfare were rehearsed, the people seem to have been seized with a sort of panic, and supposed that hordes of Canadian Indians would be let loose upon them. The northern counties of Vermont were sparsely settled in 1812, and were actually exposed to attack from their neighbors in Canada, and the consequence was that a great part of the people abandoned their farms and houses, but some only for a short time. The Selectmen of Troy warned a town meeting to be held on May 12, 1812, in anticipation of war, to see what method the town would take in the important crisis to furnish the militia of the town with arms and ammunition, the result of which was an order to the Selectmen to borrow twenty muskets and bayonets on the credit of the town, and to purchase twenty-five pounds of powder and one hun-

dred weight of lead, if it could be purchased on six months credit. This shows the people were not prepared for war. Immediately after the declaration of war had been promulgated the Selectmen of many of the northern towns of the State furnished and supported a small namber of men as guards at the frontier towns of Troy, Derby and Canaan. The Selectmen of the following towns especially took those precautionary measures: viz, Irasburgh, Craftsbury, Greensboro, Hardwick, Walden, Cabot, Peacham, Troy, Canaan, Morristown, Kelleyvale [Lowell,] and Glover; and for the services of the men and expenses of their support the State allowed and paid $1,188.80. Palisades were constructed at Troy and Westfield.

On Oct. 13, 1812, Charles Rich of Shoreham introduced into the Vermont House the following:

"*Resolved*, That the constituted authorities of our country have declared war between the United States and Great Britain and her dependencies, it is our duty as citizens to support the measure, otherwise we should identify ourselves with the enemy with no other distinction than that of locality. We therefore pledge ourselves to each other, and to our government, that with our individual exertions, our examples, and influence, we will support our government and country in the present contest, and rely on the Great Arbiter of Events for a favorable result."

This resolution was disliked by the Federalists and they offered another as a substitute which was rejected by a vote of 129 to 80, but on November 2nd the following were adopted by a vote of 116 to 40: viz.,

"*Resolved*, That this assembly have the fullest confidence that the constituted authorities will at all times be anxious to bring the said war to a close, when it can be done consistently with the honor and interest of our country.

2. "*Resolved*, That although this assembly deem it their duty to give to the general government every aid in their power in the prosecution of the present just and necessary war, yet they will with pleasure hail the happy day when the war shall be brought to an honorable conclusion."

Governor Galusha in his annual speech to the Council and House of Representives in 1812, recommended the united support of the war measures of the government against England and to enter the contest with patriotic zeal for the protection of its own citizens, and to save the nation from dishonor. After stating that all honorable negotiations were exhausted to preserve the State of peace with England without success, the cup of our sufferings was full, Congress had resorted to the last remedy of an injured nation—an appeal to arms, he said:

"Although some doubt the propriety of the measure adopted, yet war being declared by the constituted authorities of our country, it ought no longer to remain a question of policy, but it has become the duty of the state governments, and of every individual, with promptitude to espouse the sacred cause of our injured country, second the measures of our general government, provide for the defence and safety of our citizens, and with zeal pursue such measures as will tend to procure an

acknowledgment of our national rights, a release of our impressed seamen, remove the encroachments on the great highway of nations, put a final period to the calamities of war, and establish a permanent and honorable peace. At so important and interesting a crisis as the present, it is expedient that we lay aside all party prejudices and unite in one common cause to maintain our independence, and transmit to posterity those invaluable rights which were sealed to us by the blood of our heroes, and by our example invite every citizen and friend of liberty to divest himself of all selfish and local policy, and with patriotic zeal embrace the cause of our common country, a country abounding with every necessary of life and in the full tide of civil and religious liberty.

"It is expected that the general government will direct all the important operations of the war, and provide means of defence in the several parts of the Union. But situated as this state is, contiguous to the populous settlements of the enemy and exposed to the whole military force in Lower Canada, I should be deficient in my duty if I did not recommend to you in the most pressing manner, by every means in your power to put this state in the best possible posture of defence; to have the militia properly equipped, ready to take the field, and provide for their speedy and effectual movement to any place of danger whenever occasion requires. The militia law will need a thorough revision, and many additions to render it efficient for the exigencies of war. A committee was appointed at our last session for that purpose, and I

trust a report will be seasonably made, that there may be a full investigation of the system. The promptitude with which the detatched militia, in most of the towns, have marched to the defence of the frontier, has exceeded my highest expectations. Such a patriotic and military ardor pervades the state, that many thousands of the inhabitants, who were by law exempt from military duty, have enrolled themselves, elected their officers, and tendered their services to support the laws and government of their country, suppress insurrections and repel invasions."

On Nov. 6, 1812, the Legislature passed an act to provide for the raising of a volunteer corps, for the service of the United States, consisting of sixty-four companies of infantry, two of artillery, and two of cavalry, to be divided into two brigades, for which the Governor and Council appointed the necessary officers. It was intended by this act that this corps was to consist of persons who were exempt from military duty and organized to suppress insurrection, to repel invasion, and in short to prevent any of those wanton acts of riot, personal abuse, and disturbance of the peace, that were liable to arise in trying times. This force was to take the field at a moments warning, and to serve in the army of the United States until the first of May 1813. The writer is not certain that this corps was ever fully raised. An Act of Congress of Jan. 20, 1813, provided that any person might enlist into the army while "performing a tour of military duty," and it is probable that many volunteers, and many of the detached mili-

tia enlisted into the army of the United States. It is certain, that several of the officers, appointed by the Governor and Council for the proposed volunteer corps, were officers in the 30th and 31st Regiments of the United States Army, organized Feb. 23, 1813; and all of the officers of those two regiments were Vermonters.

The Legislature of 1812, passed several other acts having special relation to the war. The first was an act to prevent intercourse with the enemy of Vermont and the United States on the Northern Frontier; the act forbid under severe penalties, any person passing from or through Vermont into Canada or from Canada into Vermont, without a permit from the Governor or some person authorized. And second an act forbidding the moving, any horses, cattle or other property into Canada, and authorized the inspection of trunks, or papers by any justice of the peace without warrant, and the detention of letters and papers at the discretion of the justice. All officers of the State, civil and military, were required to aid in the execution of the act, and in some instances it was rigorously enforced so as to provoke complaint and censure; questions involving the right were taken to the State and United States Courts for Vermont, when the act was condemned, and the officers who had enforced it, were mulcted in damages and costs, that the State ultimately refunded. The sum of $1,112.23 was refunded to Lieut. Colonel Edward Fifield for losses sustained by him in consequence of his faithful enforcement of the non-intercourse act on the Northern Frontiers. judgments were

rendered against him both in the Federal and State Courts; Col Isaac Clark who was very efficient in executing the act and arresting smugglers was joined with Fifield as defendant.

The Council of Censors of 1813, composed of Federalists, recommended the speedy and unqualified repeal of the act, as it was in violation of the Constitutions both of the United States and of Vermont, and it was repealed Nov. 16, 1813. Although the House was nearly equally divided politically, the repealing act passed by a vote of 118 to 27. There was another act passed Nov. 6, 1812, suspending civil process against the persons and property of the officers and soldiers of this State while in service, which was also condemned by the Council of Censors, as being unconstitutional; this act was also repealed, Nov. 15, 1813, except as to non-commissioned officers and soldiers.

There was an act passed Nov. 9, 1812, directing the mode of detaching the militia for service in the war and by which the Selectmen of each town were required to furnish the non-commissioned officers, musicians or privates of their respective towns in the State with arms and equipments, knapsacks, blankets, camp utensils, cartridges, flints, rations, and transportation for their necessary baggage; and also pay each non-commissioned officer, musician, and private $3.34 per month; and the same amount be paid by the State to the militia detached previous to the date of the act—this was in addition to their regular monthly pay. This left it to the towns to raise the extra pay for all

militia detached subsequent to Nov. 9, 1812. But after this the large additional force raised in 1814, mainly consisted of enlistments in the regular army and volunteers. A report of the Paymaster of the United States Army showed that between Jan. 27, and Sept. 24, 1814, out of $1,944,828.98 disbursed for bounties and premiums to recruits $109,300 was disbursed in Vermont.

The Vermonters, for the most part, who served in the regular army, were in the 11th, 26th, 30th, and 31st Infantry. The 11th was organized in 1812, and served during the war. The 26th, 30th and 31st were organized in the Spring of 1813, to serve one year; a remnant of the 30th and 31st was in the Battle of Plattsburgh in September, 1814. The year for which the 26th Infantry had engaged to serve having expired, orders were issued to convert it into a rifle regiment, and in May 1814, a recruiting office was opened in Burlington by Col. Isaac Clark, originally of the 11th Infantry. and by September 292 men had been enlisted, but the writer is not aware that the regiment was filled or that it ever commenced any actual service. After the 26th Infantry was originally organized in May 1813, it was in 1814, consolidated with the 48th Infantry, and was armed with rifles. and hence was sometimes called the 26th Rifle Regiment.

It is not the purpose of the writer to go into the history of the entire war, but to present enough of it to give an intelligent view of the part that Vermont took in it. The plan of the cam-

paign was to garrison the coast fortifications with the local militia, assisted by some regulars, while the remainder of the regulars, volunteers, and militia, were to be employed in invading Canada, particularly from Detroit, and the Niagara frontier in New York. The army gathered at Plattsburgh numbered about eight thousand men, one-half of whom were Vermonters; these were designed to protect northwestern New York, and the frontier of Vermont, and threaten the Canadians in Lower Canada to prevent the transfer of British troops from Lower to Upper Canada. But little was done in northeastern New York and in Vermont during the summer of 1812, but to organize and get ready for the expected conflict.

On Nov. 16, 1812; a large portion of the army at and near Plattsburgh under the immediate command of Major General Henry Dearborn of Massachusetts, then the senior officer of the army, moved north and about five thousand of them on the 18th encamped about a half mile south of the Canadain line near the British force that did not exceed three thousand. When Dearborn was prepared to cross the line the British Major Salaberry was prepared to meet him. On the morning of the 20th a detachment of Dearborn's army forded the Lacolle river and surrounded a British guard house which was occupied by Canadian militia and a few Indians who broke through the American lines and escaped. In the meantime a second party of Americans advanced and commenced a sharp fire on those in possession of the ground, not knowing they were the first American detachment,

mistaking them for the British pickets. This fire continued for nearly half an hour before the mistake was discovered, after having killed five and wounding several of their own number; they then retreated to Plattsburgh, when the militia were disbanded and the 11th Regiment sent to Burlington, with the 9th, 21st and 25th Regiments under the command of Brig. General John Chandler of Maine, Col. Zebulon M. Pike, a good officer, commanded the advanced party, and would, doubtless, have performed his duty creditably, had Dearborne persisted in the invasion. Government did not regard Colonel Pike deserving of censure as in March following he was selected to command the expedition for the capture of Toronto in which he was killed.

On Feb. 10, 1813, the Secretary of War ordered Gen. Dearborn to move the two brigades at Plattsburgh, numbering 2,480 men to Sackett's Harbor, leaving no troops at Plattsburgh, and only Col. Clark's regiment of infantry and a company of artillery at Burlington and on May 13th five hundred men from Clark's 11th regiment were also ordered to Sackett's Harbor and left Burlington for that point on May 31st under the command of Lieut. Timothy Upham of New Hampshire.

In June of 1813, the United States suffered a loss of two of the three sloops of war which comprised the nation's force on Lake Champlain under the command of Thomas Macdonough, then a Lieutenant in the Navy. The three vessels were the President, commanded by Lieutenant Macdonough; the Growler, by Lieutenant Sidney Smith;

and the Eagle, under the sailing Master, Loomis. Capt. H. A. Sawyer of Burlington was a midshipman on the Eagle, in the engagement resulting in the loss of the Eagle and the Growler. The principal part of the crew were Capt. Herrick's company of McCobb's Maine regiment and some volunteers from Col. Isaac Clark's 11th United States regiment of infantry. The following account of this engagement taken from "Paluser's Lake Champlain," viz:

"About the first of June Macdonough received information of an attack, by several British gunboats, upon some small craft at the lower [northern] end of the lake. In consequence of this intelligence he ordered Lieutenant Smith to move towards Rouses Point with the Growler and Eagle, in order to attack the gun-boats should they again make their appearance. Lieutenant Smith left Plattsburgh harbor with his vessels on the morning of the 2d of June, and about dark cast anchor within a mile of the lines. The next morning about daybreak, he got under way, and proceeded down the Richelieu as far as Ash Island (Isle au Tetes), where he discovered and gave chase to three British gun-boats. The wind was blowing fresh from the south at the time, and soon brought the sloops, the Growler leading, within sight of the works at Isle aux Noix. The sloops now tacked and began to beat back towards the open lake, having the wind against them, with a slight adverse current in the river.

"As soon as the British were aware of the advantages these circumstances gave them, three of

their row-galleys came out from under the works at Isle aux Noix, and opened a brisk fire upon the sloops. As the galleys carried twenty-fours, while the largest guns on the sloops were eighteens, the former were able to select their own distance, nor could the latter come to close quarters without running within range of the fire of the batteries on the island. To render the situation of the sloops still more critical, the British now lined the woods on each side of the river, and opened upon them with musketry. This fire was returned with constant discharges of grape and canister, and, in this manner, the contest was continued for several hours with great gallantry on both sides. About four hours after the commencement of the action, a shot from one of the galleys struck the Eagle under her starboard quarter and passed out on the other side, ripping off a plank under water. The sloop went down almost immediately, but fortunately in shoal water, and her crew were taken off by boats sent from the shore. Soon after this accident the Growler had her fore stay and main boom shot away, when she became unmanageable and ran ashore.

"In this engagement the Growler had one killed and eight wounded, and the Eagle eleven wounded, including the pilot, Mr. Graves. The whole number of men on board both vessels, when they went into action, was one hundred and twelve, including Captain Herrick and thirty-three volunteers from his company. The officers and men were taken prisoners and sent to Canada. The two sloops, having been refitted, were transferred to the British

service, their names being changed to the Finch and Chub, and were subsequently recaptured by Macdonough in September 1814. The loss of the British in this engagement was never correctly ascertained. It must have been very severe, however, as their forces advanced to the banks of the River, where, destitute of shelter, they received broadside after broadside of canister and grape. A sergeant of the 11th regiment, who had volunteered on one of the sloops, and who was paroled on account of his wounds, reported that he counted thirty of the enemy dead upon one small spot. The current belief, in the neighborhood of the action was that the British loss exceeded two hundred, but this was probably an exaggeration."

Artillery was placed, and three hundred troops were scatterd along both shores of the Richelieu River within musket range of the imprisoned vessels, by the British; that the fireing commenced at seven o'clock in the morning; the Eagle was sunk at half past twelve in the afternoon, and the Growler disabled some fifteen minutes later—making the length of the action five hours and three-quarters; the Court of Inquiry, subsequently held, bore testimony to the gallantry of our officers and men, and to the resolute constancy of a defence which was protracted till further resistance became impossible.

The war was carried on during 1812, 1813 and 1814, both on land and water with varying success and defeat. The land campaigns were not especially brilliant or successful, but neither of the contending nations showed any signs of giving

over the contest. The American Navy on the lakes and ocean were eminently successful, and the commanders of the vessels and crews won a world wide fame for ability and courage.

It is not the purpose of the writer to give a detailed account of the battles between the Americans and the English, either upon land or sea except it be on Vermont territory or where Vermont men were engaged to some extent, at least, but will simply name some of the engagements on lake and ocean outside of Vermont where American endurance and bravery were shown and brilliant success won.

On Aug. 19, 1812, the United States frigate Constitution, Captain Hull, captured the English frigate Guerriere; on September 7th the United States frigate, Essex, captured the Alert in eight minutes; on October 15th the United States sloop of war, Wasp, captured the British sloop of war Frolic, but both were recaptured the same day by the British; on October 25th Captain Decatur, of the frigate, United States, captured the British frigate Macedonia; on December 29th the United States frigate Constitution, Commodore Bainbridge, captured the British frigate Java.

On Feb. 24, 1813, the Hornet captured the British Brig, Peacock; in August the American frigate, Essex, Captain Porter, captured twelve armed British whalers; on August 13th the American sloop of war, Argus, captured twenty-one British merchant men, but the Argus, afterwards, was recaptured by the British Pelican; on September 10th Commodore Perry on Lake Erie captured six

vessels, and sent the following concise despatch to General Harrison, "We have met the enemy, and they are ours." On October 5th Commodore Chauncey captured five British vessels on Lake Ontario.

On April 27, 1814, the United States sloop of war, Peacock, captured the British brig-of-war, Epervier, with $118,000 specie on board; on June 28th the United States sloop of war, Wasp, captured the British sloop Reindeer; on September 1st the United States sloop of war, Wasp, captured the British sloop Avon. The battle on Lake Champlain under Commodore Macdonough on Sept. 11, 1814, will receive a separate consideration. On March 28th the United States frigate, Constitution, captured two British vessels of war, the frigate, Cyane and the sloop Levant, off the island of Maderia, and on the same day the United States frigate, Hornet, captured the British brig Penguin on the coast of Brazil. The two last mentioned captures were made after the treaty of peace was signed at Ghent on the 24th day of December, 1814, but before the commanders of those vessels had information that the treaty had been made and ratified by the American government.

After the capture of the Eagle and Growler on the Richelieu, Colonel Clark of the 11th U. S. regiment on June 10, 1813, called out two militia companies of Burlington, and on June 11th Col. William Williams' regiment—all of whom responded promptly. This call was made because of an expected attack immediately on Burlington by the British flotilla; the militia were discharged on the

13th, and their places supplied by five full companies of the 30th U. S. Infantry under Lieut. Colonel Martin Norton; and in September the third brigade of the third division of militia was called out, for three months service on the frontier; this brigade was reviewed at Burlington by Gov. Martin Chittenden. This brigade served in both Vermont and New York. On July 8, 1813, Maj. General Dearborn was permitted to retire and was succeeded in command by Maj. General Wade Hampton. The United States War Department contemplated that Hampton who was at Burlington should push his headquarters as far north as was held by the army in the previous campaign on Lake Champlain, and that a requisition should be superadded for ten thousand militia of New York and Vermont to carry out the plan of the campaign, but only Fassett's brigade alone was called out. General Hampton had been criticised for his inactivity in not responding to repeated requests to aid in defending Plattsburgh against the British force under Colonel Murray. The British were tempted by the defenceless condition of Plattsburgh and the entire western side of Lake Champlain, and Colonel Murray crossed the line on July 30, 1813, with two war sloops, three gun-boats, and forty-seven long boats, with over 1400 men, and landed at Plattsburgh on the afternoon of the 31st, without oppositionand oommenced the work of devastation and plunder and continued it until he re-embarked at ten o'clock the next day after having destroyed twenty-five thousand dollars of public property and plundered more than eight thousand dollars

of property of private citizens. General Hampton, at Burlington with an army of between three and four thousand, but twenty miles distant, who had had twenty-four hours notice of the intended attack, did nothing to prevent it. About three hundred New York militia that were hastely gathered, captured, as the enemy left the town, a picket guard of twenty-one men who had been left by Murray. These were sent to Burlington as prisoners of war. The long boats and two of the gun-boats, proceeded to Swanton, where the men destroyed and plundered several citizens, and like depredations were committed on the New York side of the lake at Cumberland Head, Point au Riche, and Chazy Landing. Two sloops and the other gun-boats sailed up the lake beyond Burlington, destroyed eight or ten long boats engaged in transportation, and captured one Durham boat loaded with flour. On passing Burlington they fired at the place, but bore away as soon as the batteries on shore began to play upon them.

A letter written at Burlington Aug. 3, 1813, quite fully and accurately describes the affair as follows, viz:

"Yesterday afternoon the Eagle and Growler, lately taken by the enemy on the lake, with some armed gallies, were seen advancing. At a quarter before 3 o'clock the gallies commenced firing on the town and battery, which was returned by the vessels in the bay and from the battery. The firing continued brisk on both sides for about half an hour, when the enemy drew off a little, seemingly in expectation that our vessels would leave the

bay and give them battle; which they attempted to do, and after sailing, five in number, within a league or four miles from the enemy, expecting in a few minutes the action would commence, our vessels came to anchor, and soon after returned into the bay, under the battery, to the great mortification of thousands who witnessed it. The enemy seems neither to have slumbered or slept, for during the night they cut out and captured four of the best sloops on the lake, with provisions, and burnt one laden with salt. It is also said they have burnt two sets of barracks on the lake [at Plattsburgh and Swanton;] and this morning at four o'clock they were seen with their prizes in triumph sailing to their companions. Not the smallest injury has been done to this city."

In another letter written from Burlington August 5th stated, "Last Monday Burlington was cannonaded, shot thrown into buildings, and the people in Water Street had to leave their homes. This took place in sight of the camp and of my house. The British came with two sloops, (the late) Growler and Eagle, and one small row-galley with twenty-four pounders. We had twice the number of vessels, but in no state of preparation, and no officers but a Captain. The British moved south unmolested, took three merchant vessels with a rich booty, and returned in our sight back towards Plattsburgh. We expect another visit every honr. We have no means of defence. Is this taking Canada?"

On Aug. 2, 1813, the U. S. Inspector General gave the number of men at Burlington belonging

to the dragoons, artillery, infantry, and volunteers, fit for duty at 3,047 men. The U. S. Naval force on Lake Champlain on Aug. 20, 1813, consisted of the President, 12 guns; Commodore Preble, 11 guns; Montgomery, 11 guns; Frances, 6 guns; two gun-boats of one 18 pounder each; and six scows of one 12 pounder each; amounting in all to 48 guns.

In the month of September 1813, Captain Macdonough sailed out of the lakes to the northward.

In the Fall of 1813, an attempt was made to invade Canada. On Oct. 4, 1813, Maj. General Hampton wrote the Secretary of War:

"I have directed the commencement of a *petty war*, or invasion of the lines, at and near Lake Champlain, by Col. Clark, who has some volunteers, and Brigadier General Elias Fassett, (our Colonel,) who has, at my instance, called out his brigade of militia. The latter, I understand, turn out but badly; but they will make, together, I suppose, from six hundred to a thousand men. There has been inculcated by the artifices of the British, a shameful and corrupt neutrality on the lines, for the purpose of gain. I have directed these officers to break the truce. And, should other means fail, to act the part of the mischievous urchin, who, to get two peaceable *tabbies* at "*making the fur fly*," held them up together by the tail. To be serious, it is really time each individual shall take his side, and that traitors to either should meet their due reward. What I am aiming at, however, is tranquility on the road [down the Chateauguay river] by kicking up a dust on

the lines. It will also create a diversion at a proper point. Of Hopkin's New York militia, but about two hundred and fifty have arrived, and not more than fifty or sixty of them have consented to pass the line. Such as refused, General Parker was authorized to keep on the lines below, and to excite all the *alarm* he could, with them and the Vermonters."

He wrote again on the 12th, that "Colonel Clark is carrying on his [small war, on the lines with all the effect contemplated. The enemy's motly force have everywhere nearly disappeared. He is concentrating, no doubt, in points in my way, or on the river. It appears from the American State Papers that a writer, referring to the expression in the letter, "making the fur fly" said, "Possibly if the same trick, with the addition of permanently suspending them, had been put upon the three Generals who commanded the Vermont troops in 1812–13, it would have made the British fur fly at Montreal." And on Nov. 17, 1813, Maj. General Wilkinson wrote that the "game [Montreal] was in view," and had Hampton, "performed the junction directed it would have been ours in eight or ten days."

On the very day that General Hampton wrote his letter last quoted, Colonel Clark made a successful dash at Missisquoi Village in St. Armand, Canada, and the following is Clark's report of the same to the Secretary of War bearing date Oct. 15, 1813:

"It is with great pleasure I can inform you of a successful attack upon the enemy at Missisquoi

Bay, on the morning of the 12th inst. At this time I had only the riflemen with me, the artillery moving slow and the militia protecting their rear. We proceeded to the village (Missisquoi) and arrived within 15 rods of the enemy before we were discovered. We found them drawn up under Maj. Powell in a manner that would have annoyed us much, had we attacked them by water, but wholly unprepared to defend themselves on the land side. They commenced a fire on the left flank, but in ten minutes after the first attack they laid down their arms and surrendered themselves prisoners of war.

"Understanding that a force of 200 men under Col. Lock was marching to attack us, I despatched Capt. Finch with his company to reconnoitre them and ascertain their course. He proceeded with such promptness and ability as to surprise and capture the advanced guard, consisting of cavalry, excepting one man who escaped and gave information, when the enemy retreated.

"The prisoners were then put on board our boats and sent to Burlington. Our whole force engaged was 102—the number of prisoners taken is 101; their killed 9, and wounded 14."

It appears that Clark visited the same place again, as it was stated in a letter dated at Montreal, Nov. 6, 1813, that, "The famous Colonel Clark has again been over to Missisquoi Bay and taken over ninety head of cattle, which he had followed from the other side of the line. In this excursion the Colonel is said to have behaved very honorably, and we are glad to give the devil his due."

On July 3, 1813, the Secretary of War indicated his plan of the campaign against Kingston. Gen. Hampton was to co-operate by an advance in force against Montreal, and orders were issued accordingly. On August 5th the scheme was submitted to Maj. General Wilkinson who had been put in command of the 9th military district—which covered Vermont and New York north of the Hilands. On the 26th August at his headquarters at Sackett's Harbor held a council of officers to whom four questions were proposed, one of which was:

"To rendezvous the whole of the troops on the lake Ontario in this vicinity, and in co-operation with our squadron, to make a bold feint upon Kingston, slip down the St. Lawrence, lock up the enemy in our rear to starve or surrender, or oblige him to follow us without artillery, baggage or privisions, or eventually to lay down his arms, to sweep the St. Lawrence of armed craft, and in conjunction with the division under Major-general Hampton, to take to Montreal."

This proposition met the approved of the Council and this plan covered the Vermont troops, to wit, the batalion of the United States infantry then at Sackett's Harbor, and all in Vermont under Hampton. The Secretary of War warned Hampton that the English Gen. Prevost's rear [Montreal] "is manifestly neglected, and we must not loose the advantage he presents for attacking it."

Before we sketch Gen. Hampton's inglorious career in the 9th military district, and in attribut-

ing to him in a large degree the responsibility for the failure of the campaign of the northern army, it will be well to get the correct view of his disposition, and his sympathy for the southern portion of the Union. It has been asserted, with strong probability of its truth, that government never intended a real invasion of Canada for fear that the reduction of Montreal and other important points on the St. Lawrence might ultimately result in the annexation of Canada to the United States, and consequently a large increase of political power in the North. Hampton was born in South Carolina in 1754, and was grandfather of Gen. Wade Hampton of the late rebel army in the war of 1861. He distinguished himself in the Revolutionary war, and rose to the position of Major General March 2, 1813. In 1808, he was in command at New Orleans, but quarrelling with his subordinates, he was superseded by Wilkinson in 1812. Both were assigned to the 9th military district in 1813, but Hampton insisted upon having an independent command. He was, however, subjected to Wilkinson, and the result proved that the two would not co-operate, and hence the failure of the campaign against Montreal when its capture was apparently easy. On Sept. 15, 1813, Hampton had concentrated most of his army at Cumberland Head, and on the 19th the army landed near Champlain Village. Two corps marched over the line, had a skirmish with a few pickets and Indians, killed or captured most of the pickets, loosing one killed and two wounded. On October 4th Hampton reported his army at Chat-

eaugay where he ramined until October 21st when he returned to Canada, and on the 25th made an attack on a small body of British troops, and failed with a loss of fifteen men in killed and twenty-three wounded. The British lost five killed and sixteen wounded and three missing. Hampton returned to Chateaugay. On November 6th Wilkinson advised Hampton to meet him at St. Regis; this Hampton declined to do and proposed to meet at Cognawaga; and on the 15th notified the Secretary of War of the disagreement with Wilkinson and should arrange to place his army in winter quarters. He went to Washington and resigned April 6, 1814. It seems from Hampton's correspondence with the Secretary that he had no confidence in the newly raised militia and regulars, but it was proved that the troops honored themselves whenever they had a fair opportunity as at Chippewa, Lundy's Lane, Fort Erie, Chrystler's Farm, St. Armand and Plattsburgh. Gen. John E. Wool has said, referring to Hampton's engagement with the British, that "no officer who had any regard for his reputation would voluntarily acknowledge himself as having been engaged in it." General Wilkinson left Sackett's Harbor and made his way with the American Army down the St. Lawrence, but had several sharp engagements with the British and a bloody battle at Chryster's Farm—sometimes called the battle of Williamsburgh. Wilkinson pursued his course to St. Regis, but was disappointed in not finding Hampton there as requested. He called a council of war and determined to suspend the attack on Montreal, and to remove

to French Mills, and there went into winter quarters. The battalion of the 11th with Wilkinson's army, consisted of three companies from Vermont and three from New Hampshire, though the soldiers from both States were somewhat mixed in all the companies in the regiment.

About Dec. 1, 1813, Macdonough sailed to King's Bay and anchored under Point au Fer; on the 4th Captain Pring entered the lake with six British galley's, and landed at Rouses Point and burned a small shed which had been used as a public store-house. Macdonough attempted to bring the enemy into action, but they refused to engage and returned into Canada. On Dec. 27, a detachment of British troops, under Capt. Barker of the frontier light infantry, crossed the line into Vermont and destroyed some public store-houses and extensive barracks, for the accomodation of 1200 men, which had been erected at Derby. In consequence of these depredations and the threatening movements of the British on the Richelieu, Wilkinson in February of 1814, broke up the camp at French Mills, and the troops, magazines, and provisions were removed to Lake Champlain.

During the year 1813, the business of smuggling, and the attempt to prevent it attended with blood-shed and violence were kept up although the perpetrators of the offence of smuggling, were indicted in the courts of the State as well as the United States. Resistance had proceeded to fearful extremities in the northeastern part of the State. The liberties taken by the deputies of the

custom house department, and the authority given to justices of the peace to stop and search the premises of any person they chose, without warrant from the civil authority, caused great personal conflict and a constant disturbance of the peace of society. In charging the Grand Jury, the Supreme Court directed them to make inquiry and present all cases where people were searched for property without a warrant; and on trial, parties were not justified in molesting people and taking their property by virture of a commission only. Hoskins, in his history relates that about the commencement of the year 1813, Samuel Beach of Canaan received a permit from the Governor to go into Canada for the purpose of repairing a saw mill. Having sent forward his workman and teams, he soon followed, when his team was taken by John Dennet and others; Beach in attempting to regain his team was fired upon by Dennet and killed. Dennet and his associates were taken and committed to jail from which Dennet escaped in January 1814, into the adjoining wilderness where he continued till the following August when he was taken but not till he was mortally wounded by his pursuers. Dennet resisted arrest, and while he was attempting to kill one Morgan, he was shot by Sperry, one of the pursuers.

On July 23d a party of smugglers proceeded from Missisquoi Bay to St. Albans, and on their way there their number increased to about eighty, and all were armed with pistols and other weapons. Mr. Hathaway of Swanton was riding by and was rushed upon, forced from his horse into a

house, and there beaten in a shocking manner; a Grand Juror of St. Albans was one of these rioters. This mob declared their determination to "give Georgia a scouring and root out the highway robbers," as they called the custom house officers. They took a Mr. Anthony a long with them as a prisoner; they halted at a Mr. Blodget's of Georgia, awoke him from sleep and informed him that the smugglers had come and his assistance was wanted in capturing them. Blodget and his sons had no sooner arrived at the place where they were gathered than he was levelled to the ground by clubs. One of his arms was broken and badly wounded in various places. The windows of his house were broken in and a Mr. Conger also taken prisoner. They proceeded to the south part of Georgia and called on a Mrs. Hubbell and gave her notice to leave her house, for on their return they should destroy it. An officer of the custom house department, supposed they had smuggled goods, requested them to stop, when suddenly the mob surrounded Messers. Lee, Baker and Robinson, took them, and tied their arms behind with cords, and took them, with their other prisoners three miles to a Mrs. Hyde's in Georgia. Here a large number of armed citizens soon collected to oppose them. The mob discovering their danger immediately dispersed.

CHAPTER IX.

WAR OF 1812—1814—CONTINUED.

The non-intercourse and embargo Acts of Congress, and the State legislative regulations, which were opposed by the Federal party, proved unpopular, especially with the people in Northern Vermont, and many of the supporters of the war abandoned the then Republican ranks and went over to the opposition. As the State election in 1813, approached, both parties put forth their utmost efforts, the one to gain and the other to preserve the ascendency—the one to re-elect Jonas Galusha and the other to elect Martin Chittenden Governor, but with all their exertion and industry no election was made by the people. When the Assembly came together in October the parties were found to be exactly equally divided, but after much maneuvering and several trials, Martin Chittenden, the Federal candidate, was elected by a small majority; William Chamberlain the Lieutenant-governor, the Secretary of State and Council then elected, were of the same party.

The Governor's speech and the answer to it had a strong Federal tone and consequently in direct opposition to the war and the measures of the general government, but the minority, seventy-five in number, protested against these sentiments and

entered their reasons upon the journal of the House. Nearly all the appointments were made from the Federal party, and the Legislature proceeded to repeal the laws that had been enacted that were obnoxious to the Federalists. The party spirit was now wrought up to the highest pitch, and the parties did not hesitate to brand each other, with the names of tories, traitors, and enemies to their country. This spirit ran so high, that it, in many cases, destroyed the peace and intercourse of families and neighbors.

Governor Martin Chittenden was subjected to a great deal of sharp criticism by the administration party because of his luke-warm support of the war which he regarded as unnecessary and that should have been avoided, but it must be remembered he was but carrying out the sentiment of a large part of the party that elected him during the progress of the war. The criticism, to a large extent, grew out of the purpose and action of the Governor to keep the militia of the State within its borders and for the protection of her jurisdiction and people.

The Governor said in his first speech to the Legislature, that "the importance of the subject of the militia will not fail to claim your deliberate consideration. I have always considered this force peculiarly adapted and exclusively assigned for the service and protection of the respective States; excepting in cases provided for by the National Constitution: viz, to execute the laws of the Union, suppress insurrections and repel invasions."

"It never could have been contemplated by the framers of our excellent constitution, who, it ap-

pears, in the most cautious manner, guarded the sovereignty of the States, or by the States, who adopted it, that the whole body of the militia were, by any kind of magic, at once to be transformed into a regular army for the purpose of foreign conquest; and it is to be regretted, that a construction should have been given to the constitution, so peculiarly burdensome and oppressive to that important class of our fellow citizens.

"The war, in which we are engaged, would require the united wisdom and energy of the nation to sustain. It was delcared under circumstances which forcibly induced a great proportion of the people to consider it at least doubtful, as to its necessity, expedience, or justice. And its continuance has become still more so, since the removal of the Orders in Council, the principal alleged cause of it. The subject of impressment never having been considered a sufficient cause of war by either of the preceding administrations, and having been once adjusted by two of the present cabinet, Messrs. Monroe and Pinckney, ministers on our part, is such a manner as was by them stated to be both safe and honorable to our country, it would seem that it ought not now to be considered an insuperable obstacle to a fair and honorable peace, or an adequate cause for a protracted, expensive and destructive war. The conquest of the Canadas, of which so much has been said, if desirable under any circumstances, must be considered a poor compensation for the sacrifices, which are and must necessarily be made."

The report of the majority of the committee

appointed to draft an answer to the speech, approved of the speech, and was adopted by the House by a vote of 96 to 89. A minority report of 79 members condemned the political portion of the speech and answer.

Pending the abortive movements of Wilkinson and Hampton in Nov. 1813, in Northeastern New York and on the Canadian border, a portion of the militia of the third brigade and the third division of Vermont militia, under Lieut. Colonel Luther Dixon, crossed the lake into New York, and put themselves under the command of Hampton. This was contrary to the views of Governor Chittenden as already referred to. The said third brigade had been called out by Gen. Elias Fassett from the district of his command in October, in view of the removal of Hampton's army to the Cognawaga to join Wilkinson, which left the Champlain defenceless. When Hampton returned from his advanced position as heretofore stated, and brought his army to Chazy, the necessity of retaining the Vermont militia at Plattsburgh had passed; Vermont was exposed and there was much discontent at the absence of the militia from the State. Under these circumstances Gov. Chittenden on Nov. 10, 1813, issued the following proclamation.

"A Proclamation.

"*Whereas*, it appears that the Third Brigade of the Third Division of the Militia of this State has been ordered from our frontiers to the defence of a neighboring State: And whereas it further appears, to the extreme regret of the Captain General,

that a part of the Militia of said Brigade have been placed under the command and at the disposal of an officer of the United States, out of the jurisdiction or control of the Executive of this State, and have been actually marched to the defence of a sister State, fully competent to all the purposes of self defence, whereby an extensive section of our own Frontier is left, in a measure, unprotected, and the peaceable good citizens thereof are put in great jeopardy, and exposed to the retaliatory incursions and ravages of an exasperated enemy: And whereas, disturbances of a very serious nature are believed to exist in consequence of a portion of the Militia having thus been ordered out of the State:

"*Therefore*, to the end that these great evils may be provided against, and, as far as may be, prevented for the future:

"*Be it known*—that such portion of the Militia of said Third Division, as may be now doing duty in the State of New York or elsewhere, beyond the limits of this State, both officers and men, are hereby ordered and directed, by the Captain General and Commander in Chief of the Militia of the State of Vermont, forthwith to return to the respective places of their usual residence, within the territorial limits of said Brigade, and there to hold themselves in constant readiness to act in obedience to the orders of Brigadier General JACOB DAVIS, who is appointed by the Legislature of this State, to command said Brigade.

"And the said Brigadier General Davis is hereby ordered and directed, forthwith, to see that the

Militia of his said Brigade be completely armed and equipped as the Law directs, and holden in constant readiness to march on the shortest notice to the defence of the Frontier; and in case of actual invasion, without further orders, to march with his Brigade, to act, either in co-operation with the troops of the United States, or separately, as circumstances may require, in repelling the enemy from our territory, and in protecting the good citizens of this State from their ravages or hostile incursions.

"And in case of an event, so seriously to be deprecated, it is hoped and expected, that every citizen, without distinction of party, will fly at once to the nearest post of danger, and that the only rallying words will be—OUR COUNTRY.

"Feeling, as the Captain General does, the weight of responsibility which rests upon him with regard to the constitutional duties of the Militia, and the sacred rights of our citizens to protection from this great class of community, so essentially necessary to all free countries—at a moment, too, when they are so imminently exposed to the dangers of hostile incursions, and domestic difficulties—he cannot conscientiously discharge the trust reposed in him by the voice of his fellow citizens, and by the Constitution of this and the United States, without an unequivocal declaration, that, in his opinion, the Military strength and resources of this State must be reserved for its own defence and protection, *exclusively*—excepting in cases provided for by the Constitution of the United States; and then, under orders derived

only from the Commander in Chief [i. e. the President of the United States.]

This order was not well received by the Vermont troops at Plattsburgh, but on the contrary was treated with contempt, and on Nov. 15, 1813, at Plattsburgh the officers met and signed a reply to it which was drawn up by Captain Gadcomb, and is as follows: viz,

"To His Excellency, MARTIN CHITTENDEN, Esq., *Governor, Captain General, Commander in Chief, in and over the State of Vermont.*

"SIR: A most novel and extraordinary Proclamation from your Excellency, "ordering and directing such portion of the Militia of the Third Brigade of the Third Division of the Militia of Vermont, now doing duty in the State of New York, both officers and men, forthwith to return to their respective places of their residence," has just been communicated to the undersigned officers of said Brigade. A measure so unexampled requires that we should state to your Excellency the reasons which induce us, absolutely and positively, to refuse obedience to the order contained in your Excellency's Proclamation. With due deference to your Excellency's opinion, we humbly conceive, that when we are ordered into the service of the United States, it becomes our duty when required, to march to the defence of any section of the Union. We are not of that class who believe that our duties as citizens or soldiers are circumscribed within the narrow limits of the Town or State in which we reside; but that we are under a paramount obligation to our common country, to the

confederation of States. We further conceive that while we are in actual service, and during the period for which we were ordered into service, your Excellency's power over us, as Governor of the State of Vermont, is suspended.

If it is true, as your Excellency states, that we "are out of the jurisdiction or control of the Executive of Vermont," we would ask from whence your Excellency derives the *right* or presumes to exercise the *power* of ordering us to return from the service in which we are now engaged? If we were *legally* ordered into the service of the United States, your Excellancy must be sensible that you have no authority to order us out of that service. If we were *illegally* ordered into the service, our continuance in it is either voluntary or compulsory. If voluntary, it gives no one a right to remonstrate or complain; if compulsory we can appeal to the laws of our country for redress against those who illegally restrain us of our liberty. In *either* case we cannot conceive the right your Excellency has to interfere in the business. Viewing the subject in this light, we conceive it our duty to declare unequivocally to your Excellency, that we shall not obey your Excellency's order for returning; but shall continue in the service of our country until we are legally and honorably discharged. An invitation or order to desert the standard of our country will never be obeyed by us, although it proceeds from the Governor and Captain General of Vermont.

"Perhaps it is proper that we should content ourselves with merely giving your Excellency the

reasons which prevail upon us to disregard your proclamation; but we are impressed with the belief that our duty to ourselves, to the soldiers under our command, and to the public, require that we should expose to the world the motives which produced and the objects which were intended to be accomplished by such extraordinary proclamation. We shall take the liberty to state to your Excellency, plainly, our sentiments on this subject. We consider your proclamation as a gross insult to the officers and soldiers in service, inasmuch as it implies that they are so *ignorant* of their rights as to believe that you have authority to command them in their present situation, or so *abandoned* as to follow your insidious advice. We cannot regard your proclamation in any other light than as an unwarrantable stretch of executive authority, issued from the worst motives, to effect the basest purposes. It is, in our opinion, a renewed instance of that spirit of disorganization and anarchy which is carried on by a fraction to overwhelm our country with ruin and disgrace. We cannot perceive what other object your Excellency could have in view than to embarrass the operations of the army, to excite mutiny and sedition among the soldiers and induce them to desert, that they might forfeit the wages to which they are entitled for their patriotic services.

"We have, however, the satisfaction to inform your Excellency, that although your proclamations have been distributed among the soldiers by your agent delegated for that purpose, they have failed to produce the intended effect—and although

it may appear *incredible* to your Excellency, *even soldiers* have discernment sufficient to perceive that the proclamation of a Governor when offered out of the line of his duty, is a harmless, inoffensive and nugatory document. They regard it with mingled emotions of pity and contempt for its author, and as a striking monument of his folly.

"Before we conclude, we feel ourselves in justice to your Excellency bound to declare that a knowledge of your Excellency's character induces us to believe that the folly and infamy of the proclamation, to which your Excellency has *put your signature*, is not wholly to be ascribed to your Excellency, but chiefly to the evil advisers with whom we believe your Excellency is encompassed."

On Jan. 6, 1814, the National House of Representatives took into consideration the Proclamation of Governor Chittenden. Mr. Sharp a member from Kentucky, said,

"This act was in direct violation of the statute, which makes it penal to entice the soldiers in the service of the United States to desert. This act was done, too, at a critical time, and by a person standing in so conspicious a station as to require particularly the punishment due to his offence. Mr. Sharp adverted to the peculiar station of the militia thus ordered home, on a frontier requiring their presence for its protection; and whereas, he said, from their character, they might, indeed, be expected, being the descendents of the Green Mountain Boys who so much distinguished themselves during our Revolution under the illustrious Allen, to have voluntarily aided in the in-

vasion of the territory of the enemy. Under these circumstances, and when their services were most needed, they were invited by Governor Chittenden to desert their position. His conduct in this respect must meet the decided reprehension not only of every member of this House, but of every good citizen of the Union. It ought then to receive legal scrutiny. His offence ought to be punished, lest our laws should be subject to the remark which was applied to Solon's: that they were like cobwebs, which entangled the weak, but which the strong could break through. To bring this subject directly before the House, he offered the following resolutions:

"*Resolved*, That the militia of any of these United States, or the Territories thereof, when lawfully employed in the service of the United States, are subject to the same rules and articles as the troops of the United States.

"*Resolved*, That every person not subject to rules and articles of war, who shall procure or entice a soldier in the service of the United States to desert is guilty of an infraction of the laws of the the United States and subject to punishment.

"*Resolved*, That His Excellency Martin Chittenden, Governor of the State of Vermont, by issuing his proclamation, dated at Montpelier, on on the 10th day of November in the year of our Lord 1813, did entice soldiers in the service of the United States to desert. Therefore,

"*Resolved*, That the President of the United States be, and he is hereby, requested to instruct the Attorney General of the United States to insti-

tute a prosecution against the said Martin Chittenden."

These remarks and resolutions were followed by additional remarks from Mr. Fisk of Vermont, who said "he had hoped, and in so saying he believed he expressed the sense of the whole delegation from the State of Vermont, that these resolutions would not have made their appearance. He believed that very few persons in Vermont approved of that proclamation. He was certain there were none of the delegation from the State who approved it. The act was unjustifiable, but it was the act of the Governor of a State. The resolutions were objectionable in several points of view, of which he would briefly notice only one or two. If Gov. Chittenden had committed an offence against the laws, he was liable to the proper tribunal. It was not proper that the House of Representatives should turn informers. The courts of justice should be as clear from any improper influence as possible. If the resolutions should be adopted, and the weight of the opinion of the House of Representatives were such as it ought to be, it would be conclusive against the individual concerned: if, however, they failed in convicting him, and merely excited public sympathy in his favor by their accusation, it would place this body in an unpleasant, if not ridiculous point of view. In such case the House had no constitutional power; and all resolutions on the subject must be improper. As well as for another reason: these declare the law to be so and so, and resolutions then declare the Governor to have violated the law.

Now, said Mr. Fisk, our resolutions neither make or strengthen laws, and therefore can be of no use. Viewing the resolutions as objectionable in every point of view, he moved that they lie on the table."

Other members of the House, while not commending the course of the Governor, favored a laying the resolutions on the table. They argued that if Governor Chittenden had committed an offence against the laws let the judiciary, under the Constitution and law, decide the question, whether the Governor had acted constitutionally, and were opposed to the House giving its opinion on the law or directing the prosecution of anyone. The resolutions were tabled and never considered again. The Governors of Massachusetts, Connecticut, and Rhode Island seemed to have acted in respect to their militia not inconsistent with the views of of Gov. Martin Chittenden. The Governor of those three States "objected to the requisitions made on their several states for parts of their respective quotas of militia on the following grounds: 1st, That the president has no power to make a requisition for any portion of the militia, for either of the purposes specified by the constitution, unless the executive of the state on whose militia such call is made, admits that the case alleged exists, and approves the call. 2d, That when the militia of a state should be called into the service of the United States, no officer of the regular army had a right to command them, or other persons, except the president of the United States in person."

The Vermont militia returned from New York State before their time of service expired and no

particular notice of the course that the Governor had taken with the militia was afterwards taken. It is evident as he as Governor, acted in the matter, not only in harmony with the majority of his party in Vermont, but in the manner that he regarded his plain duty. His character was shown and principles were expressed in the following statement in his speech to the Legislature of 1814, when he said, "The true patriot can submit to no sacrifice of truth or principle, to procure his own advancement, or promote the interests or views of a party. Men may change, and parties may change—but truth, principle, and virtue are minutable. It ought therefore, to be our firm determination to persue the plain path of duty with steadiness and fidelity." It will be born in mind that though Governor Chittenden was scrupulous as to his rright not to comply with the orders to send the militia out of the State, to be commanded by a United States officer, he did not undertake to prevent volunteers going to the assistance of Gen. Alexander Macomb and Gen. Samuel Strong of Plattsburg, but he called for volunteers, and the call was responded to, not only in the western counties of the State near the scene of conflict but from central and eastern Vermont.

As the campaign of 1813, drew to a close, Commodore Macdonough went into winter quarters at the Otter Creek River near Vergennes, with his flotilla, on Dec. 19, 1813.

It was determined by the Cabinet that the campaign of 1814, in the north should be the same as that of 1813: viz, the invasion of Canada. Gen.

Crogan was to move against the British on the upper lakes; Gen. Brown on the Niagara frontier; and Gen. Izard in the Champlain region, who was to cut the connection on the St. Lawrence between Montreal and Kingston. The Vermont troops were employed in two of the three parts of this arrangement. Part of the U. S. regiment [Clark's] on the Niagara frontier, and the remainder of the 11th and the 30th [Fassett's] and the 31st [Dana's] and the Vermont militia and volunteers in the vicinity of Lake Champlain. At the same time war was to be kept up on the smugglers as well as the harrassing of the Canadians in the vicinity of the Vermont and New York frontier lines in which Colonel Clark continued to be very efficient.

On Jan. 14, 1813, a detachment of thirteen mounted infantry was ordered to the frontier in Highgate, to look after smugglers and smuggled property, and they passed over the line into Canada finding no smuggled property, returned to Vermont side to take supper at a Mr. Dibble's; on preparing to depart after supper, they were met by a party of thirty armed smugglers who commenced firing upon them, and the fire was returned with spirit for a time when the smugglers charged in upon them, but the door was strongly defended till seven of their number escaped and the remainder were taken prisoners by the smugglers, except Sergeant Butler commanding, who was mortally wounded and was left.

On February 13th, pursuant to orders from the War Department, Gen. Wilkinson broke up the cantonment; seven regiment of infantry, including

a part of the 11th regiment, one company of artillery marched for Sackett's Harbor under General Brown; sixth regiment of infantry with two companies of artillery marched to Plattsburgh; and one brigade, including the 30th and 31st regiments marched to Burlington under Gen. Macomb.

As soon as the American troops had left their winter quarters the British on Feb. 19, 1814, made a raid for plunder at French Mills and vicinity, and on the 21st Gen. Wilkinson marched with three thousand men from Plattsburgh about ten miles toward the enemy, and learned they had left for Canada. The British secured a considerable plunder, but lost more than one hundred regulars by desertion, fifty of whom came to Plattsburgh and and the remainder to Sackett's Harbor.

On Feb. 24, 1814, at Burlington Col. Isaac Clark of the 11th infantry issued orders for all the officers and men of his regiment, who were absent to return to their duty or they would be considered deserters unless they reported to the commanding officers on the expiration of their furlough. Gen. Wilkinson was determined to destroy the traitors' intercourse that had been kept up between those calling themselves Americans with the enemy in Canada; therefor Col. Clark marched on March 8th with a detachment of eleven hundred mounted riflemen, all Green Mountain Boys, to take possession of the entire northern frontier of Vermont; and three hundred riflemen and sixty dragoons marched under Major Forsyth to guard the lines west of Lake Champlain. It was the intention of the officers of these detachments to make prison-

ers of every British subject found within the United States, and to apprehend and deliver to the civil authority, for trial and punishment every American citizen found in Canada.

On March 17th Colonel Clark advanced with his detachment into the enemy's country within six miles of Isle aux Noix, captured the enemy's advanced guard, took sixty stand of arms, four oxen and six horses and returned to Missisquoi Bay and there raised the American standard and took up his quarters, and there he was joined by General Macomb with infantry and artillery from Plattsburgh. General Clark in this proposed invasion of the enemies' country designed to carry on the war on true war principles, and gave positive orders to his troops to respect private property under the pains and penalties of the rules and articles of war. Major Forsyth advanced and made his headquarters at or near Chazy. By the 29th of March Col. Clark had crossed the lake, with his troops that had been stationed at Missisquoi Bay, and formed a junction with the forces of Maj. General Wilkinson on the western side of the lake and had advanced within six miles of the enemy, who were posted and fortified at the river LaCole. Colonel Clark and Major Forsyth were in the advance; on the afternoon of that day a battle was fought between the Americans and the British in which the Americans failed to drive the enemy from their fortified position. Lossing states the American loss in this battle at 13 killed, 128 wounded and 13 missing; and the British loss at 11 killed, 2 officers and 44 men wounded and 4 missing. A reliable

account was given of the battle at the time as follows:

"General Wilkinson so disposed the troops as nearly to encircle the mill and brought up a howitzer and one 12 pounder to batter the walls, but after considerable time it was found little effect was produced. The enemy kept up a galling fire during the whole time our troops lay before the place from the loop holes cut in the Mill, and directed a great portion of his fire on the two pieces of artillery; our troops returned the fire with great coolness and with deliberate aim. The enemy made two sallies and charged Brig. General Smith's left in the first, but were repulsed with considerable loss. Towards the evening, a British regiment arrived and made a charge on part of Brig. General Bissell's brigade, but was so warmly received that they instantly fell back, leaving twelve men dead on the field, and suffered severely in wounded, (from their own accounts.) The American troops behaved with the utmost coolness and suffered less than the enemy, notwithstanding the advantage he had in point of position.

"The enemy's force was not ascertained, but computed at 1500; our force was double that number, but not more than one-half was brought into the action. The whole of Brig. General Macomb's command was in the reserve and not at all engaged. Maj. Forsyth's Riflemen and Clark's detachment formed the line round the Mill. The American army returned to their camp late in the evening, without leaving a single man behind, or even a single article for the enemy to claim as a trophy."

The mill in which the enemy sheltered themselves, was a heavy stone structure, with walls eighteen inches in thickness, and its windows barricaded with heavy timbers, through which were loop holes for muskets. The British also occupied a block-house and a strong barn, around which were entrenchments. On the other hand the Americans were in the open fields exposed to the galling fire from the protected enemy, who repeatedly charged upon them, but in vain. General Wilkinson was tried by court martial in 1815, in which his connection with this affair was fully investigated, but he was honorably acquitted; he failed on account of the mill being imprevious to such artillery as he had; the eighteen pounder that the Americans broke down on the march could not be brought on to the field. There was no six pounder, but they had a five inch mortar, which with the twelve pounder was placed in battery at the distance of two hundred and fifty yards from the mill, under the command of Capt. McPherson, who was wounded and compelled to retire; Lieut. Larabee succeeded him in command of the battery, who was also wounded and retired, when Lieut. Sheldon commanded and continued to ply his artillery vigorously until he was ordered to withdraw with the army.

On General Wilkinson's trial Col. Isaac Clark testified that "the mill he should judge is about fifty or sixty feet long and forty feet broad. It is a strong building, and the stones which form the walls are principally large and heavy. The wall must be from two and a half to three feet thick,

and resisted what were called twelve pound ball for two hours, and no visible impression was made on them. There were several log buildings adjacent to the mill which appeared to be occupied by the enemy and from which there was firing. There was also a building called a block-house, but he did not conceive it was built purposely for that use. He thought the enemy had one piece of artillery; but whether the shot proeeeded from the mill or from a gun-boat adjacent he could not say. It was impossible to ascertain the number of the enemy from appearance, as they were under cover. But from information given by deserters and prisoners there must have been six or seven hundred men in and about the mill, consisting of four companies of the 18th regiment and forty or fifty incorporated militia. In addition to these, two companies of voltigeurs, came up, an hour and a half after the commencement of the action, attacked our line, and on being repulsed also retired into the mill. The walls of the mill are three stories high, and in every direction were loop holes and apertures for musketry, and some through the roof. The mill had one door on the east side, but none was visible in the south, where we made our approaehes. Half an hour after the attack commenced, two pieces of artillery, a twelve and a six pounder [mortar,] were brought up and opened a fire upon the mill, but the eighteen pounder did not approach the scene of action within a number of miles. Why it remained behind he could not say; but after finding that no impression was made by the two pieces employed,

he rode to General Wilkinson and asked if he had not some heavy artillery. The adjutant-general, or some other officer near him, replied that the carriage of the eighteen pounder was broken. He also deposed, that the roof of the mill was of wood, but that no red hot shot was used to set fire to it as they had no furnace. During the attack two companies, who he understood from deserters were part of the 13th regiment, sallied from the mill upon the center of our line, apparently to take the field pieces. They were defeated with great loss, very much cut to pieces, and after their repulse re-entered the mill. It would have been rather difficult for our troops to have followed them up and entered the place with the enemy, as the mill was very well guarded, and he heard no proposition of that effect at the time. He does not know whether the surrender of the place was demanded, but was confident there was no flag sent out.

"The mill was on the north side of a stream frozen over; our attack was against the south side. The advance was regularly posted, and the fire of the artillery was kept up about two hours; there was perhaps a short cessation for want of cartridges. The firing of musketry, on both sides, continued until our artillery was moved out of danger, and the whole ceased near sundown."

The army returned from the field and the next day commenced their retrograde march to Plattsburgh. It was evident that the failure to capture the mill was the want of artillery sufficently powerful for the work and not to any lack of bravery

of the men. Nine or ten of the killed and one-third of the wounded were from the corps, composed of Vermont troops commanded by Colonel Clark; this indicated that the Vermont troops bore their share in the fight.

On March 31st General Wilkinson in a general order, said, "The affair is honorable to the troops, and gives them a title to the thanks of the General and their country. The constancy and courage exhibited under tedious galling fire of the enemy was exemplary, and would have done credit to the oldest troops in the world." He closed his order as follows: "Let the meritorious dead be collected and buried with the honors of war in the same grave. Let the wounded be cherished with the utmost tenderness, and removed to the hospitals in the rear. And let the troops be immediately completed to sixty rounds of ammunition, and held perfectly ready to meet the enemy should he venture to advance."

On April 1814, General Wilkinson, who was at Champlain, informed Macdonough, who was at Vergennes, that the vessels of the enemy on Lake Champlain would soon be ready to sail, and probably would attempt to land a force for the purpose of destroying his vessels that were in the Otter Creek and on the stocks; Wilkinson added that he could not erect batteries at Rouses Point to command the lake for want of canon. Governor Chittenden ordered out the militia in Franklin, Chittenden and Addison Counties, five hundred of which were to be stationed at Burlington, and one thousand at Vergennes to guard the shipping and

public property on the lake. Most of the Vermont militia were soon discharged on condition that they should rally on the firing of alarm signals, and General Macomb was ordered to send a force of five hundred men to Vergennes.

On May 14th a little before sunrise, the British fleet, consisting of a bomb sloop and eighteen gallies, commenced a heavy and spirited fire on the battery, that had recently been erected at the mouth of Otter Creek. The fire was returned by the battery by the men stationed there aided by some militia from the town of Addison and other neighboring towns. Macdonough promptly came down the river with his new sloop of war and several galleys and in one hour and a half the enemy were forced to retreat. The Americans suffered no loss; the British lost two fine new rowboats. After this repulse, their gallies entered the river Bouquet to seize some government stores, and on returning, were fired upon by a body of New York militia, and nearly all the men in the last galley were killed or wounded. Within a few days of this affair, Macdonough entered the lake with his fleet and anchored in Cumberland Bay near the site of his subsequeut memorable victory.

By the month of Juue both armies had been largely increased. Maj. Genenal Jacob Brown succeeded Gen. Wilkinson to the command of the ninth military district, and Maj. General George Izard, a native of South Carolina, was in command of the right wing of the northern army. The British concentrated at Lacolle and other points near the line, with their fleet near at hand. Between the

11th and the 31st of June the American army including the 30th and 31st U. S. regiments, advanced from Plattsburgh to Champlain and Chazy. Macdonough co-operated by anchoring his fleet in King's Bay, north of the mouth of the big Chazy River.

On June 24th Lieut. Colonel Forsyth, advanced to Odletown with seventy riflemen, where he was attacked by a detachment of two hundred light armed British troops. Forsyth repulsed them and returned to Champlain with a loss of one killed and five wounded, the British loosing three killed and five wounded. On the 28th he was ordered to enter Canada again for the purpose of driving the British across the line into an ambuscade and succeeded in drawing out Captain Mayhew with about 150 Indians, and as they approached the ambuscade, Forsyth stepped upon a log to watch their movements and was shot through the breast by an Indian. The American rifles were immediately uncovered and fired upon the enemy, who retreated in great haste, leaving seventeen of their number dead upon the field. Forsyth was from North Carolina and had distinguished himself on various occasions and was regarded as one of the best officers in the army; and his men declared they would avenge his death, and this they did by killing Captain Mayhew, who, with Forsyth was buried at Champlain. Forsyth and Col. Isaac Clark of the 11th U. S. infantry had been associated in active service on the frontier, and in April 1814, were transferred to the 26th infantry, consisting of riflemen; and on June 30th

Colonel Clark, learning of the death of Forsyth who bravely fell at Odletown on the 28th fighting the defence of the rights and liberties of his country, announced that the officers of the regiment "will wear crape on the left arm thirty days in testimony of their regret for the loss of that valuable and distinguished officer." This order was issued at Burlington.

Lieut. Colonel Forsyth was suceeded by Maj. Daniel Appling of Georgia, who also distinguished himself, subsequently at the battle of Plattsburgh. Captain Z. Taylor was made Major of the said 26th regiment, and became President of the United States in 1849.

During the summer of 1814, military operations on the frontier farther west were very active. Two fierce battles in which Vermont troops participated should be specially mentioned: viz, Battle of "Chippewa Plains" and "Lundy's Lane." The battle ground of the first was between the streets and Chippewa Creek and bounded on the east by Niagara River, and on the west by a forest. The plain admitted of close work, face to face; that battle was fought on July 5, 1814, the day was clear and hot. After the contending forces had got hotly engaged the description of the conflict is as follows:

"The battle raged with fury along the entire line of both armies. Several times the British line was broken, and then closed up again; and it often exposed as many flanks as it had regiments in the field. This unskillful manœuvring had been observed by Scott, who had advanced, halted, and

fired alternately, until he was within eighty paces of the foe. Observing a gap in his lines which made a new flank, he ordered a quick movement in that direction by McNeil's Eleventh Regiment. He shouted with a voice that was heard above the din of battle, 'the enemy say we are good at long shot, but cannot stand the cold iron; I call upon the Eleventh instantly to give the lie to that slander. Charge!' This movement was immediately made, with the most decisive effect. A similar charge was made by Leavenworth, who held an oblique position on the American right. At the same time Towson's battery poured in an oblique fire of murderous canister-shot, after silence the enemies' most effective battery by blowing up an ammunition wagon; and presently the whole left and center of the British broke and fled in confusion. *The effective flank movement by McNeil was the one, there can be no doubt, which gave the victory to the Americans.*"

Maj. General Brown in his report of the battle to the Secretary of War July 7, 1814, says, "Brig. General Scott is entitled to the highest praises our country can bestow—to him more than to any other man am I indebted for the victory of the 5th of July. His brigade has covered itself with glory. Every officer and every man of the 9th and 22d, 11th and 25th regiments, *did his duty*, with a zeal and energy worthy of the American character. When every officer stands so pre-eminently high in the path of duty and honor, it is impossible to discriminate, but I cannot deprive myself of the pleasure of saying that Major Leavenworth com-

manded the 9th and 22d, and Major McNeil the 11th. Col. Campbell [of the 11th] was wounded early in the action, gallantly leading on his regiment."

The American loss, killed, wounded and missing was 308; the British loss was 494. The loss in the 11th U. S. regiment to which most of the Vermonters belonged were seventy-three; this was the heaviest loss of any American regiment engaged in the battle.

On the morning of July 25, 1814, while the army under Maj. General Brown was encamped on the field of their victory, last above described, Maj. General Brown received a report that the British were in force at Queenstown, but nine miles distant, and that Brown's depot of supplies was their object. In the afternoon Brown ordered General Scott "to march down to Queenstown, and find the enemy and beat him;" he found the enemy in Lundy's Lane drawn up in line of battle; the force of the enemy was more extensive than those that the American's had met on the 5th at Chippewa, some of which were fresh troops from the victorious army of Wellington. Scott at once sent word to Gen. Brown of his critical situation, but he held the enemy, by fierce fighting until Brown arrived about 9 o'oclock in the evening. The enemy were finally repulsed, but no attempt to secure the fruits of the victory in the darkness and in the shattered condition of the American troops, and under the order of Gen. Brown the Americans returned to Chippewa for rest and reorganization, and the British reoccupied their position and re-

gained their lost cannon except one that the Americans carried away as a trophy. Maj. Gen. McNeil was severely wounded and removed from the field. After General Brown arrived on the field with Ripley's brigade Gen. Brown and Gen. Scott were both wounded and retired and the command devolved upon Gen. Ripley. In this battle the British had about 4500 men and the Americans a little less than 2600 men; the grand and brave work of the Americans is seen when it is remembered that from the beginning of the battle until nine o'clock at night, less then 1200 Americans held the entire British force and repeatedly repulsed their advances and badly cut them up. The American loss in the battle was 853 men and that of the British 878 men. Maj. General Brown's return for the 11th regiment was 28 killed, 102 wounded and 3 missing. An extract from a letter written soon after the battle by Lieut. F. A. Sawyer of Burlington, of the 11th regiment and who participated in the battle, gives many particulars of the contest, he says, "the late engagement was perhaps the most sanguinary one ever fought on this continent. We engaged the enemy the 25th of July, at 6 P. M. near the falls of Niagara, and continued the fight until half past eleven at night, when by very inferior numbers the enemy was compelled to retire, leaving us in quiet possession of the field of battle.

"The first brigade, [Scott's,] as usual, bore the brunt of the action. We maintained our ground for one hour and a half against the whole forces of the enemy, which were four times our number,

before we were supported by a solitary individual of Gens. Ripley's and Porter's brigades—they however joined in time to prevent us from being wholly cut up, and contributed a little in giving the enemy a hearty drubbing.

"On leaving camp, no one anticipated a general engagement. It was the impression that the brigade was ordered out to disperse four or five hundred, as it was supposed, of the enemy's militia and Indians, who were hanging on our rear for the purpose of annoying our piquets and kidnapping those who might be led by curiosity to visit the falls. As we advanced, a few of the enemy would form, and then retire; this manœuvre was continued until we had advanced within half musket shot of the enemy's lines, when the battle commenced. The enemy's position was a most excellent one—their line of infantry was posted behind a fence, which formed a semicircle and encompassed a field which our troops were compelled to accept of, if they made the attack; their flanks were protected by woods filled with militia and Indians, and in their rear, at a desirable distance, was a height on which their artillery was planted; nature could not have formed a more advantageous position. Under these disadvantages our troops attacked them. The 9th and 25th were ordered to attack their flanks, while the 11th and 22d met their front. We endeavored to form a line in face and eyes of all their infantry and artillery, but they opened such a deadly and destructive fire upupon us that we were compelled to retire a few paces and form in the skirts of a wood, and before

we opened upon them more than two-thirds of the two regiments were cut down. However, we then maintained our ground until a reinforcement joined us, when we advanced and drove the enemy in every direction. Col. Miller with his regiment charged and took their artillery consisting of nine pieces, but they repossessed themselves [on the next morning, when our army had left the field,] of all but two brass six pounders. For an hour the two lines were within four rods of each other, firing with as much deliberation as if it had been a sham fight, and now and then for a change the point of the bayonet was used. Here for the first time I witnessed a charge. It did not prove as destructive as I had expected, but God knows it was destructive enough. Towards the close of the action, as there was hardly a company remaining of our regiment, and but one man in my platoon, I volunteered in the 9th, and was assigned to Capt. Hull's company. He was killed in the last charge we made upon the enemy. Capt. Pentland and two or three subalterns were also wounded. The latter part of the action was the most severe. Generals Brown and Scott remained untouched, as well as the greater part of the field officers, until the action was near at an end. That part of the fight proved much more destructive to the enemy than to us, as our men did much better execution when in close contact with them. Our fire at length proved so destructive, that the enemy's bugle sounded the retreat for the last time, and our troops were left in undisturbed possession of the heights."

On the night of Aug. 15, 1814, the Battle of Fort Erie was fought, when, after a severe and bloody contest in which the 11th regiment and many Vermont troops were engaged, the Americans were completely successful. The American forces were under the command of General Gaines. The enemy undertook to take the fort by storm; at one time they gained possession of a bastion, but were driven from it and the entire force put to flight. The enemy admitted their loss to be 805 men. The American loss was 17 killed, 56 wounded and 14 missing.

On Sept. 17, 1814, the Americans under Gen. Brown made a sortié from the fort against the British army encamped about two miles from the fort, when another battle was fought and in which a large part of the British force on the Niagara frontier was put *hors du combat*—the remnant of their force abandoned their encampment and retreated to Chippewa. The total loss of the British in this battle was about 1000 men, while the American loss killed, wounded and missing were but 511. The battle closed the severe, brave and honorable service of the 11th infantry on the Niagara frontier.

It would not be out of place to give individual instances of meritorious service and the conspicuous, brave and heroic conduct of the rank and file of Vermont troops, but it does not seem best to go too much into details.

During the summer months of 1814, it was evident that the time was hastening when a trial of strength must come between the American and

British arms on or near Lake Champlain, in which Vermonters would be especially concerned. Preperation for the contest was being made by both of the contending parties.

Late in the summer of 1814, not less than fifteen thousand troops, most of them Wellington's Veterans fresh from victories over the French, arrived in Canada and were encamped between the St. Lawrence and Sorel rivers. The British Naval force on Lake Champlain had also been strongly reinforced. The British forces were under the command of Sir George Prevost. Prevost was born in New York City, May 19, 1767, and son of Maj. General Augustine Prevost of the British Army, and entered the army young and served with distinction. In 1805 he was made Major General and created a baronet; and in 1811, was made Lieutenant General and military commander of British North America. His plan of the campaign was a repetition of Gen. Burgoyne's in 1777, supplemented by a naval force that he supposed to be sufficient to command the lake; and like Burgoyne, he began his undertaking with a proclamation bearing date Champlain town, Sept. 2, 1814, that read as follows:

"The Commander of His Britannic Majesty's FORCES, which have entered the State of New York, makes known to its peaceable and unoffending inhabitants, that they have no cause for alarm from this invasion of the country, for the safety of themselves and families, or for the securety of their property. He explicitly assures them, that as long as they continue to demean themselves peaceably,

they shall be protected in the quiet possession of their homes, and permitted freely to pursue their usual occupations.

"It is against the GOVERNMENT of the United States, by whom this unjust and unprovoked war has been declared, and against those who support it, either openly or *secretly*, that the arms of his Majesty are directed. The quiet and unoffending inhabitants, not found in arms, or otherwise not aiding in hostility, shall meet with kind usage and generous treatment; and all just complaints against any of his Majesty's subjects, offering violence to them, to their families, or to their possessions, shall be immediately redressed.

"Those, therefore, who may have been induced to retire at the approach of his Majesty's troops, from any mistaken apprehension respecting their object and their views, are hereby invited to return to their farms and habitations as the best means of securing them.

"The magistrate and other civil authorities, who in the faithful discharge of their respective stations shall continue to exercise their ordinary jurisdiction, for the punishment and apprehension of crimes, and the support of good order, shall not fail to receive countenance and protection."

Prevost was assisted by an experienced General, De Rottenburg, with his splendid army of veterans of fourteen thousand men preparing to advance as soon as his flotilla could co-operate.

Early in August of 1814, General Macomb and Bissell, under the command of Gen. Izard were, at Champlain with eleven regiments, watching the

British, a considerable body of whom, under the personal observation of Prevost, had concentrated at Isle aux Noix. Gen. Izard was ordered to march four thousand of his men to the Niagara frontier. This left Gen. Macomb with only 3,400 men, 1,400 of which were invalids. Gen. Izard protested against this detachment being sent to Niagara and wrote to the Secretary of War on August 11th that, "I will make the movement [westward] you direct, if possible; but I shall do it with the apprehension of risking the force under my command, and with certainty that every thing in this vicinity but the lately erected works at Plattsburgh and Cumberland Head will, in less than three days after my departure, be in the possession of the enemy. He is in force superior to mine in front; he daily threatens an attack on my position at Champlain; we are all in hourly expectation of a serious conflict."

On the 29th of August Gen. Izard left Champlain and Chazy with his army for the West. On August 30th the British under Gen. Brisbane occupied Champlain, and Prevost with his splendidly equipped army occupied the same place and made preparation for an advance as soon as his flotilla could co-operate. Gen. Alexander Macomb was an excellent army officer; he entered the army in 1799, and had risen by promotion through the several grades to Brig. General in 1814, and afterwards in 1828, to Maj. General and commander of the U. S. Army. He was in the battle at Sackett's Harbor, Fort Niagara, Fort George, and at Plattsburgh, and took the field for a time in the Florida

War. His first work, under the circumstances in which he was placed, with a formidable British army to contend with, was to call upon New York and Vermont for reinforcements and to strengthen the three forts and block-house lying on the right bank of Saranac River at Plattsburgh and commanding the territory to the shore of the lake.

Of these, Fort Brown was garrisoned by detachments of Vermonters from the 30th and 31st infantry. Macomb sent out partis to retard the advance of the enemy and to annoy them as much as possible, but the small force could not stay their progress. And the American skirmishers were driven across the Saranac, but they took up the bridge behind them. These detachments that had been sent out to annoy the enemy did good service during the day before they recrossed the river. The report of the affair given from the headquarters at Plattsburgh Sept. 7, 1814, stated, "In the afternoon, the militia met the British regulars in the woods near the Saranac river, and after disputing the passage of that stream for some time, the enemy retired with considerable loss. Here the militia did their duty, and it is by meeting the enemy in the woods, and flanking and annoying him on all occasions, that the most essential service can be rendered by them. The killed and wounded on our part is trifling. That of the enemy is reported to be from two to three hundred.

"Capt. Sheldon has been directed by Gen. Macomb to call on all volunteers, and request that they report immediately to the scene of action."

In this brave work a detachment of Vermonters

of the 30th and 31st U. S. regulars served under Gen. Wool.

On Aug. 31, 1814, Gen. Macomb, then at Plattsburgh, addressed a letter to Governor Chittenden in which he stated, that the enemy were advancing in full force and had crossed the Chazy at Champlain Village, and suggesting that he throw a detachment over the lake so as to advance to his assistance on the road leading from Essex, and on September 4th he wrote the Governor again that he had learned that the enemy "will march for this place with his whole force this morning and that the enemy must beseige us, as our works are now in a tolerable state of defence." He also said much is at stake and aid is actually wanted, and am sure you will not hesitate to afford us all the assistance in your power. The Governor replied from Jericho September 4th that I "shall take the most effectual measures to furnish such number of volunteers as may be induced to turn out to your assistance;" and on the same date the Governor wrote Gen. John Newell, and recommended that he take the most effectual method to procure such number of volunteers as may be had for his immediate assistance from his brigade, and advised that the troops cross the lake at McNeil's Ferry. General Newell answered the letter September 5th from Charlotte, and wrote, "If I rightly understand your letter, I can perceive no request, or order, from your excellency, directing me to have the militia under my command, or any portion of them, march to Plattsburgh, or any other place, for the assistance of Gen. Macomb, or for any

other purposes. From your letter, therefore, I consider myself unauthorized to order out any portion of the militia under my command, or to do more than your excellency has recommended, namely, to offer my advice, which may be followed or not. As I consider myself, with the brigade I command, fully under your direction and control, and as our assistance is requested, and seems very much needed at Plattsburgh, I regret that your excellency has not ordered either the whole or a portion of this brigade to their assistance, as I shall cheerfully obey any request, direction or order you may give, to repair to Plattsburgh, or any other place, to assist in opposing the enemy, protecting our territory and citizens, and in defending our country from invasion;" and on the same day the Governor wrote Gen. Newell "I do not consider myself authorized, either by the Constitution or laws under which we act and from which all our powers are derived, to order the militia out of the State, but considering the peculiar situation of the army at Plattsburgh, it was my desire that every aid, constitutionally in our power, should be afforded." On September 7th Col. Elias Fassett made a request to the Governor for a quantity of ammunition that was at Vergennes, and the Governor gave him an order for the same, also strongly recommended to him to use every exertion to procure such number of volunteers, from his brigade, as could immediately be induced to cross the lake to the assistance of the army at Plattsburgh.

Gen. Samuel Strong, who was with the troops at Plattsburgh, wrote Governor Chittenden on

September 10th, the day before the battle, that "from the best information I can obtain, the enemy are 8,000 or 9,000 strong, all regular troops, except a few. * * * I have been up the river (Saranac) this morning, five or six miles, which was lined with the enemy on the north side. They have made several attempts to cross, but without success. This is the line to be defended. I have ascertained to a certainty, the number of militia from Vermont now on the ground, well armed, is 1812 men; from New York 700; regular troops under Gen. Macomb are 2000. We have strong expectations of 2000 detached militia, ordered out by Gen. Moore, arriving soon. * * * I hope you and your friends will send four or five thousand to our assistance as soon as possible, if you should think best. If not, we shall, if our courage holds out, keep close to them. Do not, sir, let my wish turn you, from correct principles, you have heretofore persued, as Governor of Vermont."

On Sept. 11, 1814, at 7 o'clock P. M. Gen. Strong wrote the Governor as follows:

"Dear Sir,—We are now encamped, with 2500 Vermont volunteers, on the south bank of the Saranac River, opposite the enemy's right wing, which is commanded by General Brisbane. We have had the satisfaction to see the British fleet strike to our brave Commodore Macdonough. The fort was attacked at the same time, the enemy attempting to cross the river at every place fordable for four miles up the river. But they were foiled at every attempt, except at Pike's encampment, where we

now are. The New York militia are posted at this place, under Gens. Moore and Wright. They were forced to give back a few miles, until they were reinforced by their artillery. The General informed me of his situation, and wished our assistance, which was readily afforded. We met the enemy, and drove him across the river, under cover of his artillery. Our loss is trifling. We took twenty or thirty prisoners. Their number of killed is not known. We have been skirmishing all day on the river. This is the only place he crossed, and he has paid dear for that. I presume the enemy's force exceeds the number I wrote you. What will be our fate to-morrow, I know not, but am willing to risk the consequences attending it, being convinced of the bravery and skill of my officers and men. We are abundantly supplied with ammunition and provisions, from Gen. Macomb. I am, dear Sir, yours, with esteem, SAMUEL STRONG.

"His Excellency, Martin Chittenden.

"If God permits, you shall hear from me again, soon."

As cautious and careful as Governor Chittenden was, respecting what he regarded his right and duty not to order the militia out of the State to be commanded by United States officers, he called for volunteers, and his call was responded to, not only in the western counties, nearest the scene of conflict, by men who arrived in time to take part, but from central and eastern Vermont as well. Irrespective of party, opinion or age, the people turned out—father and son, veterans of the Revolution and lads too young for military service—all pressed

towards the lake. Had Prevost carried Plattsburgh and undertaken to winter at Ticonderoga, the Vermonters alone would have forced his army to surrender. Doubtless it was this apprehension of danger from the Green Mountain Boys, which filled the mind of Burgoyne in 1777, and the same apprehension induced Prevost to invade New York rather than Vermont.

General Prevost on the 11th arranged his land forces in two columns preparatory to the commencement of the action. One of the columns was stationed over the Saranac and the other in the village, ready to move whenever circumstances should demand. Such was the situation when the British fleet sailed into Plattsburgh Bay under Captain Downie where they found the United States squadron ready to meet them. The British opened their batteries by land as soon as the engagement between the fleets commenced. The main body of the British for ceattempted to cross the river in the rear of the fort near Pike's cantonment, which attempt, after a brave resistance from three hundred and fifty of the New York and Vermont volunteers, was effected, but on the arrival of Lieut. Sumpter's artillery, the enemy made a precipitate retreat. The rear of the retreating party were attacked by the Vermont volunteers who succeeded in capturing three officers and several privates. Five of the Americans were killed and and eight wounded. When the shouts of victory at half past eleven resounded through the American lines announcing the result of the battle on the lake, the efforts of the enemy were perceptably weaker. In

the afternoon their entrenchments were deserted, and in the night succeeding, the enemy's whole force commenced a retreat to Canada.

Commodore Macdonough commanding the American Squadron made to the Secretary of the Navy the following report Sept. 13, 1814, of his battle with the British fleet, viz:

"I have the honor to give you the particulars of the action which took place on the 11th instant on this lake. For several days the enemy were on their way to Plattsburgh by land and water, and it being understood that an attack would be made at the same time by their land and naval forces, I determined to wait at anchor the approach of the latter.

"At 8 A. M. the lookout boat announced the approach of the enemy. At 9 he anchored in a line ahead, at about three hundred yards distance from my line; his ship opposed to the Saratoga, his brig to the Eagle, Capt. Robert Henley, his galleys, thirteen in number, to the schooner, sloop, and a division of our galleys; one of his sloops assisting their ship and brig, the other assisting their galleys; our remaining galleys with the Saratoga and Eagle. In this situation, the whole force on both sides, became engaged, the Saratoga suffering much from the heavy fire of the Confiance. I could perceive, at the same time, however, that our fire was very destructive to her. The Ticonderoga, Lieutenant Commandant Cassin, gallantly sustained her full share of the action. At half past ten o'clock, the Eagle, not being able to bring her guns to bear, cut her cable, and anchored in a

more eligible position, between my ship and the Ticonderoga, where she very much annoyed the enemy, but unfortunately leaving me exposed to a galling fire from the enemy's brig. Our guns on the starboard side being nearly all dismounted or not manageable, a stern anchor was let go, the bower cable cut, and the ship winded, with a fresh broadside on the enemy's ship, which soon after surrendered. Our broadside was then sprung to bear on the brig, which surrendered in about fifteen minutes after.

"The sloop that was opposed to the Eagle had struck some time before, and drifted down the line; the sloop which was with their galleys having struck also; three of their galleys are said to be sunk, the others pulled off. Our galleys were about obeying, with alacrity, the signal to follow them, when all the vessels were reported to me to be in a sinking state; it then became necessary to annul the signal to the galleys, and order their men to the pumps. I could only look at the enemy's galleys going off in a shattered condition, for there was not a mast in either squadron that would stand to make sail on; the lower rigging, being nearly all shot away, hung down as though it had been just placed over the mast-heads.

"The Saratoga had fifty-five round shot in her hull; the Confiance one hundred and five. The enemy's shot passed principally just over our heads, as there were not twenty whole hammocks in the nettings at the close of the action, which lasted, without intermission, two hours and twenty minutes.

"The absence and sickness of Lieutenant Raymond Perry left me without the services of that excellent officer. Much fairly ought to be attributed to him for his great care and attention in disciplining the ship's crew, as her first lieutenant. His place was filled by a gallant young officer, Litutenant Peter Gamble, who, I regret to inform you, was killed early in the action. Acting Lieutenant Vallette worked the first and second divisions of guns, with able effect. Sailing Master Brum's attention to the springs, and in the execution of the order to wind the ship, and occasionally at the guns, meets with my entire approbation; also Captain Young's, commanding the acting marines, who took his men to the guns. Mr. Beale, purser, was of great service at the guns, and in carrying my orders throughout the ship, with Midshipman Montgomery. Master's Mate Joshua Justin had command of the third division; his conduct during the action was that of a brave and correct officer. Midshipmen Monteath, Graham, Williamson, Platt, Thwing, and Acting Midshipman Baldwin, all behaved well, and gave evidence of their making valuable officers.

"The Saratoga was twice set on fire by hot shot from the enemy's ship.

"I close, sir, this communication with feelings of gratitude for the able support I received from every officer and man attached to the squadron which I have the honor to command."

The Purser on board of the United States ship Saratoga September 13th, wrote to Thomas Macdonough commanding the United States Squadron

that, "From the best information received from the British officers, from my own observations, and from various lists found on board the Confiance, I calculate the number of men on board of that ship, at the commencement of the action at 270, of whom 180 at least were killed and wounded, and on board the other captured vessels, at least eighty more, making in the whole, killed and wounded, 260. This doubtless is short of the real number, as many were thrown overboard from the Confiance during the engagement." The prisoners captured from the British were 27 officers, 340 seamen and 47 wounded men paroled. The forces engaged was 86 guns and 820 men in the United States Squadron, and 95 guns and 1050 men in the British Squadron. Measuring by the size of the guns in pound balls the U. S. Squadron carried 2140 and the British 1880. This shows the British were superior in the number of guns and men, and the United States superior in the calibre of the guns.

Robert Henley commanding the United States Brig Eagle reported on September 14th, "I am happy to inform you that all my officers and men acted bravely and did their duty in the battle of yesterday with the enemy. We have thirty-nine round shot in our hull, (mostly twenty-four pounders,) four in our lower mastes, and were all peppered with grape."

Stephen Cassin, Lieutenant Commandent of the U. S. Schooner Ticonderoga, reported to Macdonough Sept. 12th, "It is with pleasure I state that every officer and man under my command

did their duty yesterday." The Americans in this naval engagement lost in killed 52 and wounded 58 men. The prize money, distributed to the officers and men of the U. S. Squadron for the capture of the British vessels on Lake Champlain Sept. 11, 1814, amounted to $290,438.19; Macdonough received $22,807, and in addition to that Vermont and New York gave him farms; so he said he became a wealthy man from a poor officer.

The Vermont volunteers poured in rapidly to Plattsburgh down to and including the 11 Sept. and reported to Gen. Strong and not to Gen. Maconmb.

Gen. Prevost after the battle did not remain to conduct the retreat of his army. As soon as the battle was over and before noon Prevost started for Canada with a small escort; he dated his report at Plattsburgh on the 11th but it was not written until he was safe in Montreal.

Gen. Alexander Macomb's general order and report of the battle dated at Plattsburgh Sept. 14, 1814, is as follows:

"The Governor General of the Canadas, and Commander in Chief of the British forces in North America, having invaded the territories of the United States, with the avowed purpose of conquering the country as far as Crown Point and Ticonderoga, there to winter his forces with a view to further conquest, brought with him a powerful army and flotilla. An army amounting to fourteen thousand men completely equipped and accompanied by a numerous train of artillery, and

all the engines of war—men who had conquered in France, Spain, Portugal, the Indies, and in various other parts of the globe—and led by the most distinguished General of the British army; a flotilla also, superior to ours in vessels, men, and guns, had determined at once to crush us both by land and water.

"The Governor General, after boasting of what he *would* do, and endeavoring to dissuade the loyal inhabitants of the United States from their allegiance by threats and promises, as set forth in his proclamation and orders, fixed his headquarters at the village of Champlain, to organize his army and to settle the government of his intended conquests. On the second day of the month he marched from Champlain, and on the 6th appeared before the village of Plattsburgh with his whole army, and the 11th, the day fixed for the general attack, the flotilla arrived.

"The enemy's flotilla at 8 A. M. passed Cumberland Head, and at 9 A. M. engaged our flotilla, at anchor in the bay of the town, fully confident of crushing in an instant the whole of our naval force; but the gallant Commodore Macdonough, in the short space of two hours, obliged the large vessels to strike their colors, whilst the galleys saved themselves by flight. This glorious achievement was in full view of the several forts, and the American forces had the satisfaction of witnessing the victory. The British army was also posted on the surrounding heights, so that it could not but behold the interesting struggle for dominion on the lake.

"At the same time the fleets engaged, the enemy opened his batteries on our forts, throwing hundreds of shells, balls, and rockets, and attempted at the same time to cross the Saranac, at three different points, to assault the works. At the upper ford he was met by the militia and volunteers, and after repeated attempts, was driven back with considerable loss in killed, wounded, and prisoners. At the bridge, near the village, he was repulsed by the pickets and the brave riflemen under Captain Grosvenor and Lieutenants Hamilton and Riley, and at the bridge in the town he was foiled by the guards, block-houses, and the artillery of the forts, served by Capt. Alexander S. Brooks, Captains Richards and Smith, and Lieuts. Mountford, Smyth and Cromwell. The enemy's fire was returned with effect from our batteries, and by sunset we had the satisfsction to silence seven batteries which he had erected, and see his column returning to their camp, beyond the reach of our guns..

"Thus beaten, by land and by water, the Governor General withdrew his artillery and raised the siege at 10 o'clock at night, sent off his heavy baggage, and under cover of the darkness, returned with his whole army towards Canada; leaving his wounded on the field, and a great quantity of bread, flonr, and beef, which he had not time to destroy, besides a quantity of bomb-shells, flints, and ammunition of all kinds, which remain at the batteries, and concealed in ponds and rivers. As soon as his retreat was discovered, the light troops, volunteers, and militia were in pursuit and followed

as far Chazy, capturing several dragoons and soldiers, besides covering the escapes of hundreds of deserters, who continue still to be coming in. A violent storm and continual fall of rain prevented the brave volunteers and militia from further pursuit.

"Thus have the attempts of the invader been frustrated by a regular force of only 1500 men, a brave and active body of militia of the State of New York under Gen. Moore, and volunteers of the respectable and patriotic citizens of Vermont, led by General Strong and other gentlemen of distinction. The whole not exceeding 2500 men.

"The British force being either expelled or captured, the services of the volunteers and militia may be dispensed with. General Macomb cannot, however, permit the militia of New York and the volunteers of Vermont to depart without carrying with them the highest sense he entertains for their merit. The zeal with which they came forward in defence of the country when the signal of danger was given by their Generals, reflects the highest lustre on their patriotism and spirit. Their conduct in the field has corresponded with the laudable motives which led them into it. They have deserved the esteem of their fellow citizens and the warm commendation of their commander. They have exemplified how speedly American citizens can be prepared to meet the enemies of their country. In testifying his sense of the merits of the troops, the General cannot but express his sorrow and regret for the loss of some brave and virtuous citizens, and for those who have been

wounded; the loss will no doubt be keenly felt by their friends and countrymen, but, at the same time, will be borne with that fortitude and resignation which become good citizens and good Christians.

"The affection of the General will accompany his brave associates in arms wheresoever they may go, nor will anything give him more pleasure than opportunities of testifying to them individually, by actions as well as words, the high regard he cherishes for them.

"The General, in the name of the United States, thanks the volunteers and militia for their distinguished services, and wishes them a happy return to their families and friends."

The American loss upon land from September, 6th, to and including the 11th was 37 killed, 62 wounded, and 20 missing: the British loss including deserters was not less than twenty-five hundred. The British vessels bore as ballast, cannon and other munitions of war, and winter clothing for the army, and if their squadron had been victorious, they doubtless would have attempted to winter at Crown Point and Ticonderoga, but if the attempt had been made, there are reasonable grounds to believe, a greater disaster would have befallen them.

"Among the many acts of valour performed by the Vermont volunteers, we notice the following brave exploit: The inhabitants of Orwell, to the amount of two hundred and forty, had marched, on the first report of approaching danger, to Plattsburgh, and tendered their services to the

Commanding General. Among this number was a small but a brave corps of cavalry of about twenty men, raised principally through the exertions of Captain A. Scovell of Orwell, and Captain [probably Barnard] Ketchum of Sudbury, in which many distinguished citizens were enrolled. The corps selected for their commander Captain Scovell; and on their arrival at Plattsburgh, finding the enemy had decamped, they did not wait for general orders, or to be joined by other forces, but pursued the enemy, surprised his rear guard at Chazy, captured seven dragoons with their horses and equipments, took the contents of two baggage wagons, and returned with the loss of only one horse killed."

Although the plan of the British campaign of 1814, at least, so far as the invasion of Northeastern New York and Vermont was concerned, had utterly failed, still there was a large British army hovering on the frontier of those States which might be used for an invasion by land, consequently the militia and people of Vermont were warned by the situation and by the proclamation of Governor Chittenden to be in constant readiness for defence if an invasion was determined upon. The attitude of the Federal party in Vermont that was at the commencement of the war against its prosecution, had to a considerable extent changed, and there was a united feeling for its prosecution. And Governor Chittenden in his proclamation of Sept. 19, 1814, stated,—

"Whereas it appears that the war, in which our country is unfortunately engaged, has assumed an

entirely different character since its first commencement, and has become almost exclusively defensive, and is prosecuted by the enemy with a spirit unexampled during pending negotiations for peace, which leaves no prospect of safety but in a manly and united determination to meet invasion at every point, and to expel the invader:

"And whereas, notwithstanding the signal and glorious naval victory lately achieved by our gallant Commodore Macdonough and his brave seamen, over a superior British naval force on Lake Champlain, and a like discomfiture of the enemy's whole land force, concentrated at Plattsburgh, by General Macomb's small butvaliant band of regular troops, aided and powerfully supported by our patriotic, virtuous, and brave volunteers, who flew to meet the invader with an alertness and spirit unexampled in this or any other country—it is made known to me, that the British army is still on the frontier of our sister State, collecting and concentrating a powerful force indicating further operations of aggression:

"And whereas the conflict has become a common, and not a party concern, the time has now arrived when all degrading party distinctions and animosities, however we may have differed respecting the policy of declaring, or mode of prosecuting the war, ought to be laid aside; that every heart may be stimulated, and every arm nerved, for the protection of our common country, our liberty, our altars, and our firesides—in the defence of which we may, with a humble confidence, look to Heaven for assistance and protection:"

He therefore as Governor and Commander-in-Chief in and over the State of Vermont, exhorted all the good people of the State to unite in defence of our common interest and everything dear to freemen; and enjoined upon all the officers of the militia to exert themselves in placing those under their command in a complete state of readiness to march at a moment's warning to meet any invasion which might be attempted, and to chastise and expel the invader; and even called upon those who were exempt from military duty to organize, equip and stand in readiness to meet the then approaching crisis; and recommended to the selectmen and civil authorities of towns to be vigilant is providing ammunition and in affording such assistance to the militia as their situation might require.

Early in the winter of 1814–15, great preparations were made in Canada for a winter campaign, in sleighs with a view of destroying the American squadron, at Whitehall. All subjects of the United States, by order, were required to leave Canada forthwith, and communication by way of L'Acadie woods and Missisquoi Bay was cut off. The British army at that time, on the border was represented to be sixteen thousand men with an immense train of heavy artillery mounted on sleighs. In view of this situation Gen. Strong from Vergennes on Jan. 9, 1815, issued a general order, setting forth in substance that an invasion was probable, which rendered it highly important that the militia be prepared for a short winter's campaign; and every one must be aware, that to ourselves

alone we are to look for security and defence. After detailing the duties of the commanders of companies and of the selectmen of towns in getting ready for active service, said in his order, "It is not to be expected that, if the enemy invades us again, they will by proclamation and slow marches forewarn us of their approach. Sad experience must have taught them wisdom. Let it not be said that they caught us slumbering." The several brigades in the State held themselves in readiness to march at the shortest possible notice; and numerous companies of volunteers through the State were formed. And on March 10, 1815, the Governor in commending them for their promptness, said "You will, my Fellow Citizens, be pleased to accept my grateful thanks for the respect you have paid me in organizing, equipping, and offering your services under my command. The evidence you have given of your readiness to place yourselves between our enemies and the safety of our country affords me perfect assurance that, had our services been demanded, I should have found your foremost in the field of danger. Nor have your expectations been in vain—your patriotic example is of public utility, and an honor to the several towns to which you belong." The expected invasion was not made.

On Feb. 17, 1815, while the victory at New Orleans was animating the feelings of the Americans, the welcome tidings of a treaty of peace, executed at Ghent on the 24th of December, 1814, was brought to America and ratified. Actual war continued for some time after the treaty was signed

at Ghent before that event was known in America as no rapid way of communication across the ocean was then known. The battle at New Orleans under Gen. Jackson was fought after that treaty was signed at Ghent.

In 1817, the Legislature of New York voted that a sword be presented to Maj. General Samuel Strong in consideration of his services rendered by him at Plattsburgh in 1814. The sword was presented to him at Vergennes on June 26, 1817, by a committee appointed by the Lieutenant Governor of that State. The committee in presenting the sword said in part: "We are not unmindful that, uninfluenced by local considerations, with no motives but the love of country—no prospect of fame except at the sacrifice of your life—no interest but a sense of duty—and, notwithstanding every discouragement, you, Sir *volunteered* in defense of a sister State. The act will be remembered by that people with gratitude. Accept, Sir, this sword. It is the gift of a free people to a free man. It bears on its hilt the service of a Herculean Mountaineer, crushing in his arms the British Lion. It will be as a memento for your sons to imitate your example, and excite them to deeds of glory. It is given not as a reward but as a pledge, which the State of New York will redeem when occasion shall present itself." To this presentation and address Strong made a happy and appropriate response.

Governor Martin Chittenden in his speech to the Legislature in 1814, speaking of the war said, "By it the enemy have been taught a useful,

although mortifying lesson, that the soil of Freemen will not bear the tread of hostile feet with impunity.

"At the same time it reflects the highest honor on the patriotism, spirit and valor, of our fellow citizens, who, without distinction of age, character or party, were ready to brave danger, in its most formidable appearance, for the defence of our country. And it would seem, that it ought to palsy the tongue of slander—every desirable object having been secured, and in a manner the least burthensome and offensive to the feelings of a free and enlightened people.

"Much is due to Gen. STRONG, and our brave volunteers; and I am requested by the Secretary of War to present them the thanks of the general government 'for their prompt succor and gallant conduct in the late critical state of this frontier.'

"I should do injustice to my own feelings, as well as violence to every correct principle, were I to refrain from testifying the high sense which I entertain of the brilliant achievement of Commodore MACDONOUGH, and his intrepid associates, on Lake Champlain, over a far superior naval force—an achievement which renders all encomium feeble and inadequate.

"I should likewise do injustice, if I should neglect to notice the cool, perserving, and brave conduct of Brig. Gen. MACOMB, and his alike brave associates in arms, in the discomfiture of a greatly superior force of veteran troops, commanded by experienced officers.

"These glorious achievements are not surpassed

in the records of naval and military warfare. New lustre is added to the national character. But the effects are more immediately experienced by the northern sections of the States of Vermont and New York."

The Legislature expressed their thanks by vote, to Generals Macomb and Strong and to Commodore Macdonough and to other officers, seamen, and soldiers, and the high sense that body entertained of their valor and public spirit, and their meritorious services rendered in repelling the invasion by the British troops and the British squadron in September 1814.

Macdonough was a religious as well as a brave man. He made a most appropriate prayer over those who fell in battle on September 11th, connected with the squadron under his command. At the moment the British were bearing down on him just before the firing commenced, an officer asked permission of the Commodore to issue an extra ration of grog to the men. He replied, "No, my men shall go cool into action, excited by no stimulus except their native valor."

The thanks of the general government were given to the brave and patriotic citizens of Vermont, for their prompt succor and gallant conduct in the war in the critical period on the frontier.

At the October session of the Legislature of 1814, an act was passed granting to Commodore Macdonough a farm belonging to Vermont and lying upon Cumberland Head and in full view of the

place of his naval victorious contest with the British Squadron.

At the ratification of the treaty signed at Ghent the tumults of war ceased, the gloom that overhung our land disappeared and our soldiers were converted into citizens, and the implements of war into instruments of husbandry; and the people were glad to hear the peaceful hum of business instead of the tramp of soldiers, the roar of cannon and the trumpet of war.

While Henry Clay one of the American Commissioners, was on a tour through the Netherlands, a British Commissioner forwarded to him at Brussels a London newspaper, containing the official account of the destruction of the public buildings at Washington City by the British, with an apology suitable to the occasion. Mr. Clay had just received a Paris Journal bearing the news of the victories at Plattsburgh, and he hastened to send it to his British friend with a like apology.

We cannot better bring this chapter to a close than to give to the reader the lines that were suggested by the successful manœuvre of the Saratoga at the turning point of the battle on the lake the 11th of September 1814. Just as the American Squadron was going into action, the Commodore displayed this signal: "Impress'd seaman call on every man to do his duty," which excited in every bosom an enthusiastic ardor that would not be defeated. The lines were from one who served on the vessel, to his father who had been in the victorious battle of 1777, on the field of Saratoga, and written Sept. 13, 1814, and were as follows: viz.

"Dear Dad—I oft have heard you tell
How many fought, how many fell,
And how the foe you drubbed well,
On the plains of Saratoga.

I'ts now my turn with pride to boast,
We conquered Britain's warlike host;
On Champlain's lake we rule the roast,
On board the Saratoga.

At 9 A. M. on Sunday morn
The mighty foe approached in form,
And viewed us with contempt and scorn
On board the Saratoga.

How frequently I've heard you say,
That those who fight ought oft to pray:
Our Commodore did both that day
On board the Saratoga.

Then with the Christian's hope we fought,
Nor ought of fear or danger thought,
But death or victory we sought
On board the Saratoga.

The battle rag'd for near three hours,
When aided by the Almighty powers
We claim'd the enemy as ours
On board the Saratoga.

O had you seen the sore dismay
Of poor Sir George, who ran away,
And bitterly he curs'd the day
He saw the Saratoga.

Then brave Macomb hung on his rear.
For our firesides we've naught to fear
Whilst heroes to their country dear
Command our forts, our vessels steer;
Success will still crown their career,
And Sailor's Rights, and Free Trade's cheer,
Shall be extended far and near,
Whilst Patriots yet unborn shall hear
The fame of the Saratoga.

And now let Saratoga's name
Be niched in thy temple's fame;
By land or water be it bless'd,
By all admired, by all confess'd,
And while for Gates the harp's unstrung,
Macdonough's glory shall be sung,
For he the British Lion stung
On board the Saratoga."

CHAPTER X.

CLAIM OF INDIANS TO LANDS IN VERMONT.

The Cognawaga Indians have pressed a claim against Vermont since 1798, from time to time till 1874, of about ninety thousand dollars for more than two million of acres of land. It will not be the purpose of the writer especially to investigate the title of the Indians to these lands or to report on the validity of their claim, but rather to give a history of their claim and the presentation of the same to the State for allowance and the result of the action of the State respecting those claims. The Cognawaga tribe was a branch of the Iroquois. The Iroquois, were originally a single tribe residing in Montreal and vicinity, in subjection to the Adirondacks and subsequently entered upon the lands of New York, and became five tribes, to wit, the Mohawks, Oneidas, Onondagas, Cayugas and Senecas. To these were added the Tuscaroras in the year 1712. From that time the Iroquois were called and recognized as the Six Nations. According to their own tradition they resided on the St. Lawrence as far down as Gaspeé, but were driven back South of Lake Ontario by the Algonquin tribes. From this it may be inferred that those

found by Cartier at Montreal in 1534, were really Iroquois. When the French recovered Canada in 1632, they found the Iroquois dominant. Hostilities were kept up much of the time between the Iroquois and the French till 1691. In the wars between England and France which deprived the latter of Canada, the Iroquois were generally neutral, but they were not peaceful. The western Iroquois took the part of England in her war with the United States, while the French Iroquois in Canada were inclined to the cause of the United States.

The claims of the Indians for compensation for their hunting grounds was not made by the Iroquois of New York but by an off-shoot of that tribe, the Cognawagas who had abandoned all their rights with the Iroquois of New York about the year of 1789, and many of them had joined their enemies the French before that time. The claimants admitted at some of the hearings on their claim that some of their ancestors became allies of the French as early as 1660, and there was evidence that others of the Cognawagas became so in the years 1671, 1720, and 1749. It is certain that the Cognawagas as a tribe could not have acquired any distinct rights in Vermont lands after 1789, as Vermont had been almost wholly covered with grants to and actually occupied by the people of Vermont before that date. If any body of Indians were entitled to compensation for lands in Western Vermont, it would have been the original tribe of the Iroquois and not those who separated from the tribe; besides, those that sepa-

rated from the main body were not deserving. For many years after the Cognawaga and other Indians who are the claimants against Vermont, abandoned the Iroquois League in New York and became allies of the Freneh, the Iroquois League waged incessant war upon the French and all their allies. Western Vermont, and Lake Champlain especially, was then the war path of the Iroquois in their raids upon Canada, and it was not possible that any Indians, in alliance with the French, could have used Western Vermont as a hunting ground, except to a very limited degree and on rare occasions; certainly not to such a degree as to give them an exclusive title.

The Iroquois proper did not live entirely by hunting; they were not without civilization. They had an original system of government, somewhat like that of the American Confederation of States; they dwelt in permanent villages; they had castles for defense; and they were an agricultural people to the extent of raising corn, squashes, and beans, but relying upon fish and the proceeds of the chase for meat. Honorable E. P. Walton stated in a note in the "Governor and Council" that, "The Iroquois in New York were allies of the King of England until the treaty of 1783; while the Cognawaga Iroquois admit that they were allies of the King of France until 1763, and have been allies of the Crown of England ever since that date. And that seventeen of the Vermont towns, covered by the Cognawaga claim, were granted by the King of England, previous to the surrender of the French possession to England, Feb. 10, 1763, and while

the Cognawagas were allies of France and engaged in fighting the English."

In 1798 five of the Indian Chiefs made application to Governor Isaac Tichenor to be heard on their claim to Vermont lands; they were introduced to the Governor by the High Sheriff at the city of Vergennes. On that introduction Unowee Goodstream, the Chief of the Cognawaga tribe, delivered the following talk: viz.,

"Great Friends,—we had the luck to come so far from the great Council fire of our own nation, to tell you of the joy we have to talk with Honorable Governor of the Great Father of Vermont.

Great Friends,—We wish the great Chiefs of the Council happiness.

Great Friend, and Friends,— Since we have come so far to speak to the great Council of Vermont, in their big Wigwam in the city of Vergennes, we hope we shall be heard with attention.

Big Fathers,— I who now speak to you am Chief of the Cognawaga Indians. I hope you will hear me on behalf of my whole nation. May the Great Spirit brighten the chain of friendship between our tribes; may the pathway between us be kept so plain as that a little child may find it when the Sun is asleep in his blanket under the western waters." They then presented a letter from Meld Woolsey bearing date at Cumberland Head, Oct. 6, 1798, in which he stated that he was called on by a deputation of seven Chiefs of the Seven Nations of lower Canada to give them a letter of introduction to the Governor, and he stated that these Chiefs are of the first respectability among their

own people, and are now proceeding to attend the Legislature of the State. They have some claims similar to those made on the State of New York that were extinguished at a treaty between them and New York.

The Governor sent a message to the House calling the attention of the Assembly to claims of those Indians. The Claim of the Seven Nations for hunting lands were quite extensive and were described as follows, "Begining on the East side of Ticonderoga, from thence to the great Falls on the Otter Creek, and continues the same course to the height of land, that divides the streams between Lake Champlain and the river Connecticut; from thence along the height of lands to opposite Missisquoi and then down to the Bay." They claimed this land belonged to them and they asked Vermont to settle for the same. Certain questions were submitted by the Governor to them to answer. Thereupon on October 18, 1798, they appeared before the Governor with their Agent, Mr. Fraser, and read the following document,—

"Great Brother: You require how the lands which we claim became ours, to which we answer that it was given to our forefathers by the supreme spirit for our inheritance, together with the wild beasts for their food, and the skins thereof for their clothing; from our forefathers it descended to their children, and as they have not sold nor given it to any one it remains our proper inheritance.

"*Brother*: Our claim is equitable, we hope you will therefore consider it and do us justice. You

inquire who were our neighbors, to which we answer, that on the south west were the Stockbridges, and on the northeast by the Abenakees of St. Francois, of whom you may enquire as to the justice of our claims, and also of our brothers, the white people of Canada.

"*Brother*, Our desire is to make an amicable settlement, so that if any of your people should come amongst us we may feel toward them as brothers, who have used us well; and if any of us should happen amoungst your people we wish to be considered as brothers in friendship.

"*Brother*: As our demand is unexpected to you, should you wish to delay, for the purpose of informing yourself, it will be very agreeable to us, for all we want is justice; but at all events we have to request that you will return us an answer in writing to this and the papers we have handed as soon as convenient, for the purpose of showing to the Grand Chiefs of the Seven Nations of Lower Canada, and we wish you to take copies of the papers which we have heretofore handed, and return to us the originals. Should you wish for any further information of us, we will endeavar to give it to you. Mean time I remain with sincere wishes of welfare to yourself and family, great brother, Your most obedient humble servant. HONASIO'

Orator for the Seven Nations."

"The Governor inquired of the chiefs, whether their ancestors, the *Cognowagahs*, were not anciently of the Seven Nations of Indians?"

Ans. That was an old affair, they however believed it was so.

Ques. Did they not separate from the Confederacy in the wars between the Kings of England and France? And did they not remove into Canada and join the King of France in all his wars against the King of England?

Ans. They acknowledged it was so, but were ignorant of its consequences, and were enticed from their lands by the French.

Ques. The Governor asked them if they had any evidence of a settlement with the state of New York, as stated in Mr. Woolsey's letter.

Ans. The chief replied they had papers which would show a settlement with New York, but supposed it unnecessary to bring them to a different state and had left them at home.

The Governor informed the Chiefs that he would lay their matters before his brethren, the Legislature. The subject matter was refered by the Legislative to an able committee, who reported that while the committee were of the opinion that the Indians have had aclaim to the land, by a title arising from an agreement entered into with other nations, the aborigines of this country, they could not ascertain whether that title had been extinguished, and that the committee were of the opinion that no settlement could be made with those Indians respecting those land claims by the Legislature without the permission of the United States, as the Act of Congress passed July 22, 1790, declared "that no sale of land made by Indians, or any nation or tribe of Indians within the United-States, shall be valid to any person or persons, or to any State, whether having the right of preemp-

tion to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States." But the Legislature by an act passed Nov. 5, 1798, authorized the Governor to make the Indians a present of one hundred dollars and also procure information of the nature of their settlement with New-York for their claim against that State, and investigate their claim to lands in the State of Vermont. The Governor paid the Indians the one hundred dollars.

Governor Tichenor at the October Session made a report to the Legislature as follows:—

"I cannot learn that the state of New York was governed so much by a principle of justice, as policy, in the compensation made by them, in their late treaty with these people. The claims of the Indians to lands in the state of New York, and for which they received a compensation from that goverment, I conceive to be somewhat variant from their claims to lands in this state. The greater part of our lands was granted by the King of England, without any express reservation of an Indian claim; while the lands in New York were priucipally vacant, and the hunting ground of the claimants.

"It has not been in my power to obtain any documents that would give any accurate information of the ancient claim of these Indians to the lands in question, but from the long and settled usage and principles which have governed nations in similar cases, I conceive their right, whatever it may have been, extinguished.

"These Indians, the Cognawagahs, are anciently of the confederacy called the five [subsequently six Iroquois] nations; which confederacy, or some nation of that confederacy, might have once had a good right to the territory now claimed.

"In the former wars, between the English and French, while the English King held the goverments of this country, it is believed the Cognawaghas separated from the confederacy, removed into Canada, put themselves under the French, and joined their fortunes with the French King in his wars with the English; the latter being victorious conquered the French, and all their allies in this country and in Canada; upon which the whole country was yielded to the English, in right of conquest.

"The treaty which terminated that war, and which was made for all those who were united with the French,or were inhabitants or held rights in the province of Canada, reserved certain rights and privileges, to all the conquered people of that province. Their rights, so reserved, were considered to extend beyond the limits of that province; in this the Indians acquiesced, for and during all the time the English were in the possession and goverment of this country. It is also believed that the Indians never caused the voice of their claims to be heard, respecting these lands, during the existence of this goverment, or at any period since the conquest, or since the grant of these lands by his Britannie majesty.

"I may also add, that in the year 1775, when the King of England who had granted these

lands, made war upon this country, these Indians were his allies in that war, and thereby subjected themselves and interest to its consequences. The people of the United States were victorious, and the King of England by treaty, yielded to the United States all the lands to the south of Canada. Thus, in my view, the claims of the Indians have been extinguished."

This report was referred to a committee, who reported to the House that the claims of the Chiefs of the seven nations of Indians of Lower Canada were not founded in justice or equity and the House accepted the report, and resolved that they were fully of the opinion that the claim of the Indians "if it ever did exist, has long since been done away and become extinct, in consequence of the treaty of peace in 1763, between the King of Great Britain and the French King; and the treaty of peace between the King of Great Britain and the United States, of which this is a part, in the year 1783, and that the said Indians have now no real claim, either in justice or equity." At the October Session of the Legislature of 1800, the Governor reported that he had informed the Indians of the action of the Legislature and endeavored to explain to them the reason why the Legislature decided against the justice of their claim, and said he was well persuaded that they will not trouble the Legislature in future. But in this prediction the Governor was mistaken, for at the October Session of the Legislature in 1812, the following Memorial was communicated to the Legislature by Lieut. Gov. Brigham in the absence of Gov. Galusha: viz,

"*Most Honorable Brother:* We, the Chiefs of the Iroquois or Cognahwaghah nation, in mutual council, agreed to send the following speech to our great brother, the Governor of the State of Vermont.

"*Most Honorable Brother*: We, the Chiefs of the Iroquois nation, do now, in behalf of the whole nation, speak to you and others who are now sitting with you in the Great Council House.

"*Most Excellent Brother, now attend!*—We, the red people, have inhabited and owned this island [America] from the time of immemorial. Our land extended from rising to the setting sun, and from the cold region of the North to the hot climes of the South. The Great Spirit above made it, and gave it to the Indians for their use. He created various kinds of animals for our food and their skins served us for clothing. He scattered them over this extensive country, and taught us how to kill them. He made the earth to produce Indian corn for bread. He made also the innumerable inhabitants in the great waters to run up and down in our rivers, and taught us how to catch them. The Great Spirit created all these for the use of his red children because he loved them. Great Brother, continue to listen! When your ancestors crossed the great lake [the Atlantic Ocean] and landed on this Western island, they were poor and few in number. Our fathers had compassion on them, and protected them. They told our fathers they had fled from their own country for fear of wicked men, and had come here to enjoy their religion. They asked for a small tract of land. We,

the red people, gave them a seat, and they sat down among us. We instructed the manner of painting and dressing the Indian corn. We carried them upon our backs through rivers and waters, and when any of them or their children were lost in the woods, and in danger of perishing with hunger or cold, we carried them to our wigwams, fed them, and restored them to their parents and friends. We gave them corn and meat when pinched with famine. We relieved their distresses, and prevented their perishing in a strange land.

"Thus you see, Brother, when your ancestors came into our country, you did not find us enemies—but friends. Great Brother, you have now become a great people, but we are decreased and now smaller in comparison to what we once were. Your territory has become to be very large now, and we poor Indians have scarcely a place left to spread our blankets. You have got our country, and now what shall we say? We say, brother, in truth we are distressed on account of it. You have settled where we formerly caught moose deer and bears—and now we hardly know where to go to find them.

"Most excellent Brother, we would now once more request you to continue to listen. We would now remind you that in the year 1798 we met you at your council fire, and we then requested you that you would give us something in compensation annually, for our land, which you have taken possession of. But our Brother, who was then Governor in Vermout, said that in justice and equity the lands we claimed did not belong to

us. He required us to exhibit documents as proofs that the land which was then claimed did belong to us—and this he well knew we could not do —as you well know, Brother, we are destitute of writings, records, and history. With us, to preserve the memory of our public affairs and transactions, we depend upon our most aged men to keep them in their head and mind. He also required us to furnish the necessary documents authorizing the State of Vermont to trade with us. This he also well knew, we were totally ignorant where to go to find the necessary documents for the State of Vermont to treat with us.

"We would now speak a few words to the honorable Representatives of the people of Vermont.

"Brethren and friends: The land we now claim never was purchased of us either by the French or English, and we never sold it nor was it ever conquered by our Indian brethern, but it has always been in our hands, and when you made settlements upon it, we considered then it belonged to us. And now "In justice and equity it does not belong to us !" Yes, brethern, we believe it belongs to us, and we shall claim it as long as the sun rolls from the East to the West. In the year 1683 our ancestors had a considerable dispute as to the boundary line of the land, which we now claim, with the eastern Indians. A French Jesuit, who was well acquainted of our claim, wrote the following paragraph to Governor Dongan, of New-York: "The Iroquois, of the Sault St. Louis or Cognawagahah, have always claimed the country

lying in the East side of Lac de Champlain." The boundary line is as follows, viz: beginning at the head of Lac de Champlain [Lake George] running thence east up to the heights of the great mountain, thence north to the Fort Chamblee." Thus you see, brethren, the Jesuit makes it appear that our ancestors have always claimed the land where you now live, and much larger than we do now. We claim as follows : " Beginning on the east side of Ticonderoga, from thence to the great falls on Otter Creek [Sutherland's Falls,] and continues the same course to the height of land that divides the streams between Lake Champlain and Connecticut river, from thence along the heights of land opposite Missisquoi, and down to the Bay: " that is the land which we claim.

" Now brethren and friends, we do not ask you, that you must give us so much. No, far from that, for we know that you and the brethren in Vermont are generous and kind. We also know, that you will do justice to a nation who has been, and is now, much abused and despised—a nation, who have been cheated and driven from their ancient settlements. We do hope and pray to the Great Spirit, that the great governor, the honorable representatives and the good people in Vermont will have compassion on their red brethren and give them something annually in compensation for their land.

" Most Excellent Governor and respected Gentlemen, Represeutatives of Vermont: We, the Chiefs of Cognawagah, have now spoken to your ears of our mind—we hope you will take into con-

sideration what we have said. We wish to live in peace with you, and we hope you will ever consider us your brothers—we hope we shall always live on friendly terms. This is all your red brethren have to say."

The Committee to whom the memorial was referred reported against the claim, but the Legislature appropriated $100 as a present to the Indian Chiefs and $100 to pay their expenses while in the State on their embassy. The Committee recommended that the Governor have a talk with the Chiefs and inform them that the State could not accede to their claim for lands nor stipulate an annual payment of money. The Lieutenant Governor met the Chiefs of the Cognahwaga nation accompanied by their interpreter and had the following talk with them: viz,

"BROTHERS, CHIEFS AND COUNCILLORS OF THE IROQUOIS OR COGNAWAGHAH NATION:—I have heard your talk and have told it to the great council of this State. We have all considered it; we now answer. Brothers, we are very glad of your friendship—we love peace. The Great Spirit did not make us to kill one annother, but to live in peace, to enjoy his rich bounties, and prepare for happiness. You live among a people at war with us—they have injured us, and our great nation has waged war with them for it. It is for your interest and ours, it is for your happiness and ours, that we should be at peace.

"BROTHERS: It has been the policy of our great father and his council to help our red brethren of the west to such things as they could not provide

for themselves, and to cultivate peace and friendship with them; and our enemy has told them wicked and strong stories—so that our chain of friendship has become dull and broken, and war with all its horrors has taken the place of peace. Brothers, we love justiee,—it is an attribute of the Great Spirit. You love it as well as we. We don't think we have injured you. We don't complain that you have injured us. We have bought our lands a great while ago. We have paid a great deal of money for them. You love justice,—You don't want we should pay for our lands again. We can't get back the money we have paid for them.

"BROTHERS: let us forget the past,—let us enjoy the future,—let us live in peace.

"We have much confidence in your wishes for our good, and we are anxious for your good; we shall not fail to recommend you to our councils in future. Brothers, you say 'we have become a great people.' True. The Great Spirit has blessed and increased us. He loves us and makes us love peace. He makes us willing to fight where we can't have peace. We are a great nation. We, the Vermonters, are only a little part of that great nation. We are cemented to the whole by our great charter. If we break that charter we forfeit its protection. In that charter are these words: "No State shall, without the consent of Congress, enter into any agreement or compact with a foreign power." So you see, brothers, we can't agree to pay you money annually without an act of Congress. You see we are just—not to break our

great charter which binds us to our nation, our great charter which binds our nation to protect us. You love justice. You approve it in us. We hail you as friends. We hail you as brothers. We tender you our friendship; we solicit yours. We pray the Great Spirit to make them both perpetual. Thus you have the end of our talk. Receive, brothers, this small testimonial of our friendship and sincerity."

On Oct. 21st, 1826, Gov. Butler communicated to the General Assembly another memorial of the Iroquois tribe residing in Sault St. Louis in the district of Montreal, much of the same tenor of the one quoted above, but we quote from it the following statement:—

" That under the French and British Governments, and during their respeetive possessions of the above tract of land, they (your memorialists) never were troubled or molested in any manner whatsoever; on the contrary it was known and acknowledged by those governments to be .your memorialists' property. They were protected and supported in the full and peaceable enjoyment and possession of it—where they used to fish and hunt exclusively to any other persons—for the use and maintenance of themselves and famillies. But now they see with sorrow, that since many years they have been dispossessed of their father's inheritance, by force, and deprived of enjoying it as they did from immemorial time—being at present in the possession and occupied by persons, who pretend to be the real proprietors of it in virtue of legal titles from the State of Vermont.

It is notorious that this tribe never have relinquished or given any titles, or ever received any compensation or recompense for their rights to the said land, or for any part thereof: So that your memorialists are dispossessed of their property without their consent, without any indemnification whatsoever, and deprived of the only means they had to snpport and maintain their famillies, and find themselves confined to such a narrow state of limits that they are most reduced to want.

This memorial was also referred to a committee who in their report set forth the action the State had taken on the several occasions when the Indian claims had been urged for allowance, and reached the same result; and the report was accepted.

On Jnne 14, 1853, Gov. Stephen Royce appoint- Hon. Timothy P. Redfield to ascertain the claims of the Iroquois Indians to compensation for lands in Vermont, and cause the result of his examination to be laid before the General Assembly of the State at its then next session. The result of his investigation reported to the Assembly was in substance, that the Iroquois who represent the ancient confederacy of the Six Nations assert a claim to compensation for land in the State, the bounds of which have been given; that the Iroquois had possession of these lands, and exereised dominion of the same until dispossessed by the encroachments of civilization; that they had never parted with their title by any treaty or compact to which they as a trible had been a party; that it has been con-

ceded that the claimants, prior to the treaty between Great Britain and France in 1763, had possession of the lands as their "hunting ground" and that such title, Great Britain and the United States have uniformly treated with respect in their intercourse with the Indians; that the claim of the Vermont authorities that they could not treat with the Iroquois without the consent of Congress, by reason of the prohibition of the tenth section of the first article of the United States constitution and by reason of an act of Congress relating to trade and intercourse with Indian tribes passed July 22, 1790, "that no sale of lands made by any Indians, or any nation or tribe of Indians, within the United States, shall be valid to any person or persons; or to any State, whether having the right of preemption to such lands or not, unless the same shall be made and duly executed at some public treaty held under the authority of the United States," was not well founded; that the proposition to treat with the Indians respecting these lands could not be called strictly a purchase, as the jurisdiction of the State over these lands was not disputed, and the lands had been in the peaceable possession of the citizens of the State for more than half a century, with undoubted title to the same; that if the Legislature should deem that the Iroquois were entitled, "*in the forum of conscience*," to some remuneration for lands long since granted and appropriated by the State, and should make appropriation for such remuneration, that such proceedings would neither conflict with the provisions of the act of Congress nor the Constitution.

Redfield also reported that the main objection to the allowance of the Indians claim was that the lands were granted by the King of Great Britain without reservation of Indian titles and that the Iroquois were subjects then of that King, and that by the treaty of 1783, by which this territory was ceeded to the United States the Indian title became extinguished; and also it had been objected that in the war between Great Britain and France, the Iroquois were allies of France, and that war resulted in the conquest of Canada by Great Britain and that by the treaty between those powers in 1763, the Iroquois' claim was extinguished, but in his report he contended that the Six Nations, during the "French War" and also of the Revolution, in the main, were attached to the crown of England, although the French made great efforts to obtain their alliance during the former war and sometimes were successful, but he contended even if it was conceded that the Iroquois were allies of France, the cession of Canada to the crown of England would not extinguish the title to lands within the British Colonies, and England did not so regard it, and that from 1763, to 1783, the British Sovereign, by his agent, negotiated with the Chiefs of the Six Nations respecting their land, and they were treated as having the undisputed title; and that the Indians did not loose their title by the treaty between the United States and Great Britain in 1783; that the Crown treated with them, as an independent power, before the treaty of 1783, and the United States have since that time; that the

authorities of New York through Abraham Ogden, a commissioner of the United States, concluded a treaty with the "Seven Nations" by which they ceeded to the people of the state of New York all title to their adjacent lands in that state for the consideration paid by New York, of 1447 pounds, one shilling, four pence, and New York also stipulated to pay them annually, thereafter, 212 pounds, six shilling and eight pence.

The Supreme Court of the United States stated in the case of Clark vs. Smith, 13 Peters Reports, 195 page, that, "the ultimate fee, encumbered with the right of Indian occupancy, was in the Crown previous to the Revolution, and in the States of the Union afterwards, and subject to grant. The right of occupancy was protected by the political powers, and respected by the Courts, until extinguished." In the case of United States vs. Clark, 9 Peters' Reports, the same Court said, that "friendly Indians were protected in the possession of lands they occupied, and were considered as owning them, by a perpetual right of possession in the tribe or nation inhabiting them as their common property, from generation to generation, not as a right of individuals located on particular spots. Indian possession was considered in reference to their habits and modes of life; their hunting grounds were as much in their actual possession as the cultivated fields of the whites.." Redfield finally said in his report that "If the Iroquois have been divested of their title, it would seem more legitimate to say that they had been divested, and the title obtained by conquest."

The report was referred to a committee who reported resolutions to the House directing the Governor to appoint a Commissioner to ascertain the amount and extent of the claim; and also empowering the Treasurer to pay the Indians in attendance fifty dollars for their expenses.

Gov. Royce on the 22nd day of January, 1855, appointed the Hon. James M. Hotchkiss as such commissioner, who commenced the hearing of the claim of the Indians on the 14th day of June, 1855, at Massena, New York. There were two branches of the Iroquois that presented themselves, through their agents, before the Commissioner as claimants, the Coughnawagas and the Lake of Two Mountains. The former objected to the latter participating in the claim, upon the ground that they were not descendents of the Coughnawagas. The Lake of Two Mountains claimed they separated from the Caughnawagas about the year 1789, and soon emigrated to the Lake of Two Mountains and claimed to belong to the Iroquois. The Coughnawagas claimed they had no record of a separation. The Commissioners over-ruled the objection and allowed both parties to participate in the hearing and investigation. The Indians claimed before the Commissioners more than two million acres of land east of New York line exclusive of the waters of Lake Champlain as their former hunting grounds, and as compensation asked to be paid the average price of land per acre ceded to the United States by twenty of the most favorable treaties made between the United States and the different tribes of Indians for the then last

thirty years—the treaties to be selected by the Indians. This proposition the Commission treated as inadmissible, as being too indefinite, and the mode of ascertaining the price exceedingly difficult and expensive, and informed them that their title to lands in Vermont was not only doubtful, but utterly denied, and that they had only asked compensation for the lands their ancestors once occupied as their hunting ground. And he reminded them that their ancestors emigrated to Canada about the year 1676, and placed themselves under the Crown of France, and soon after swore allegiance to his Majesty's government, became allies of the French and the enemies of the English and American colonies. The Vermont Territory was found to be vacant at an early day and grants of land were made to the people of Vermont by the Governor of New Hampshire and by New York without requiring a previous purchase from the Indians, and that Vermont subsequently paid New York $30,000 to relinquish her claim to the territory of Vermont.

The Commissioner asked them to fix upon a definite sum as their claim. The Indians thereupon fixed their demand at four cents per acre for their hunting grounds or pay them $89,600. The Commissioner in reply to this proposition stated to them that the Documentary History of New York showed that lands on both sides of the Lake Champlain to a very great extent, by an agreement with the Iroquois Indians, were granted by the government of New York to British subjects previous to the year 1731, and that their last prop-

osition to pay them $89,600 was entirely out of the question, and that unless they made a very different proposition he should feel under the necessity of declining their proposition altogether.

On October 18, 1855, the Indians proposed to submit their claim direct to the Legislature of Vermont, without further debate as to the sum that ought to be paid, "and rely upon the justice and humanity of the Government of Vermont," and relinquish all claim upon Vermont, in consideration of such sum as the Legislature shall appropriate for that purpose. The Commissioner in his report to the General Assembly of 1855, stated as facts that in the year 1609, a Frenchman by the name of Champlain in company with several other Frenchmen and about one-hundred of the Canadian Indians, started from Quebec upon an expedition against their enemies, the Iroquois Indians; that the object of Champlain was to explore the country and assist the Canadian Indians in their war against the Iroquois; he soon reached the lake to which he gave his own name. As they proceeded up the lake they came in sight of the Green Mountains on the east side of the lake; Champlain was told by Indians that that was the country of the Iroquois who lived farther south upon the west side of the lake. It was subsequently ascertained that the Iroquois were a very powerful confederacy: that the Mohawk branch of them resided in the valley of the Mohawk river, and it was admitted by the people of New York, and by historians that their territory extended into the present limits of Vermont at a very early day;

that immediately after the settlement of the province of lower Canada was commenced by the French, their Jesuit missionaries went among the natives of the forest with the purpose of bringing them over to the interest of the French and induce them to embrace the Roman Catholic faith—in this they were successful, and as early as 1670, they induced a large portion of the Mohawk tribe to emigrate to the province of lower Canada near Montreal, where they swore allegiance to the French Government. That portion of the tribe that did not emigrate, were firm friends of the English during the French and English war and remained so till after the American Revolution, when they emigrated to the province of upper Canada. The Commissioner reached the conclusion that that portion of the tribe, that emigrated to lower Canada known as the Coughnawagas are the rightful claimants upon Vermont for compensation for their lands, and said there was but very little evidence that the Iroquois had ever parted with the title to their lands in Vermont. The habits and customs of the Indian tribes were such that the occupation of any territory for the purpose of hunting and fishing rendered the possession of that territory as really theirs as though they had cultivated fields, and built houses. If they parted with the title to their lands it had been usually for a mere pittance.

At the October Session of the Legislature of 1855, the Senate passed a bill appropriating $5000 to discharge the Indian claim but the House did not concur. The bill was again pre-

sented in 1856, but it was rejected. A deputation of Indians again appeared at the session of the Legislature in 1857, but the claim was not pressed for allowance. On October 13, 1874, delegates of the Iroquois of Caughnawaga, St. Regis, and of the lake of Two Mountains again urged their claim before the Legislature for the quantity of land heretofore described of about 2,240,000 acres and for which they demanded the sum of $89,600. The committee to whom the claim was referred, reported a resolution in which it was stated that if such claim ever existed it was extinguished by the treaty between France and Great Britain in 1763, and by the treaty between Great Britain and the United States in 1783;" and that the Indians have no legal or equitable claim or interest in the lands. The resolution was adopted by the House and concurred in by the Senate.

The more one investigates the claim of the Caughnawagas to land in Vermont the clearer it will become to him that the claim stands upon a slim foundation; it is evident that if they ever had a substantial right it had been lost or extinguished. The Iroquois from whom the Caughnawagas sprang had a government and laws though not expressed in writing, but were nevertheless understood by every tribe and individual of their nation. According to those laws, the fee of their land was in the nation, and every tribe had only the use of the land within its boundary and every Indian had only the use of that which he actually occupied and improved. When the Caughnawagas left the Mohawk nation, they could sell their im-

provements, but when they emigrated they necessarily abandoned the land to the nation. The same law covered the territory conquered by the Iroquois. The abandonment of the Mohawks, of the land formerly occupied by the Caughnawagas, was conclusive against the latter and their descendants. In 1775 the Mohawks voluntarily abandoned all their territory in New York and removed to Canada, selling to New York in 1795, whatever interest they had in the lands. The Vermont lands were abandoned by the Indians at the same time they abandoned the New York lands, if not before with like effect. The Mohawks since their removal to upper Canada have never asserted any claim to Vermont land, and it would seem absurd that the Caughnawagas, descendants from the Mohawks, should assert a claim that the Mohawks themselves never made. The claims of the Caughnawagas, either in their own right, or in the right of the Iroquois of New York, can not be sufficiently supported by anything they have advanced, or that has been found in the history of the Iroquois of New York, or Vermont. It should be stated that the ancestors of Indians who claimed compensation for lands in Vermont left their ancient hunting ground and emigrated to Canada about the year 1676, and placed themselves under the Crown of France and soon after swore allegiance to his Majesty's government, became allies of the French and the enemies of the English Colonies. The lands for which compensation was claimed was found vacant at an early day, and grants of land were made to the people of Vermont,

first by the Governor of New Hampshire; then New York claimed the territory of Vermont upon the ground that it was a part of the Dutch province from which the British succeeded by conquest, and that the Dutch before the conquest purchased the territory from the Indians; and subsequently New York made grants of land extending upon Vermont territory without requiring a previous purchase from the Indians, which is strong proof against the existence of any title of the claimants for compensation through their ancestors. And then again, many of the early settlers of Vermont, after purchasing their lands from New Hampshire repurchased them of New York; and finally Vermont extinguished the New York title if they had any, by paying that State the $30,000 in the settlement of the controversy with that State.

The board of trade at London declared that the government of New York by an agreement with the Iroquois Indians granted lands on both sides of Lake Champlain, to a very great extent to British subjects, previous to 1731. The claim of the Indians on Vermont was not made till 1798, twenty years subsequent to the organization of the State. If they had had a beneficial claim against Vermont, it is fair to assume, it would have been made before. The claim advanced against New York "by the St. Regis and Caughnawaga Indians, in 1792, to a vast tract embracing most of the territory between the Mohawk and the St. Lawrence, was urged for several years with great pertinacity. This claim not only embarrassed the title to the lands of the set-

tlers, but it agitated the public mind from the extreme terror which prevailed in the exposed settlements of savage hostility. Just and vigilant investigation amply established the conclusion that these tribes never possessed a title to the tract, but that the Iroquois were the original proprietors who had long before alienated it to the whites by treaty or sale." It is obvious from this and other New York records, that that State rejected all claims of the Cognawagas as descendants, and descendants from the Iroquois; no record had been found showing any concessions were ever made to the Cognawagas in respect to the lands in question, or that any rights were ever attempted to be transferred to them by the Iroquois or Mohawks. It is very evident that Vermont territory during the seventeenth century and for long before was not permanently occupied by any Indian tribes, but was used by the Iroquois as a hunting ground to some extent. The reason why it was not permanently occupied, was in view of the facts that North-western Vermont was then, and had long been, the war-path of the Iroquois of New York; they were a powerful tribe and it was impossible that the Cognawagas or any Indians hostile to the Iroquois, could have had any continuous occupation of that portion of Vermont even for a hunting ground. From 1735 to 1744, was a period when the King of France assumed jurisdiction of Western Vermont and recognized no right to the land of the Cognawagas or any other tribe, for even hunting and fishing, except in subjection to his grantees,

subsequent to 1744. Vermont was again the theatre of war and the allies of the French could not have gained peaceable possession of Vermont lands adjacent to Lake Champlain. Even Champlain says in his account of his first visit to this lake in 1609, "that here the country was formerly inhabited, but it was at that time to a great extent abandoned on account of the continued wars." There is strong evidence it was never included within the Iroquois country and that proves that Lake Champlain was the eastern boundary of the Iroquois territory. E. P. Walton says, there are many maps covering the Iroquois country and but one has been found which includes North-western Vermont, and that the proof is overwhelming that the Iroquois never occupied or resided in Vermont, and, therefore, any claim of the Cognawagas on that ground is disproved, and they never had in their own right such possession or use of the land as would entitle them to compensation.

There was a branch of the Mohegans called the Stockbridge branch, deriving their name from the tribes of that name in Massachusetts and New York where they formerly resided, who claimed twelve or more townships of land, situated on the west line of the province of New Hampshire, as chartered by Benning Wentworth. These lands were in the south-western part of Vermont. On Nov. 30, 1767, a subscription was made at Bennington to discharge the claim whenever it should be proven.

In 1779, an Indian claim was made by Asa

Douglass to Gov. Chittenden. This proved to be a claim of the Moheakunnuk, the Stockbridge Indians whose territory was described as "west of the Connecticut river, extending a short distance west of the Hudson, and into the State of Vermont." This made them next neighbors to the Mohawks, and in fact the tribe was ultimately to have a home in the Iroquois nation. This claim was finally discharged by a grant to these Indians by Vermont, of the township of Marshfield. This was the only Indian claim to land in Western Vermont until the Cognawagas made their claim in 1798.

CHAPTER XI.

THE PLACE OF HOLDING THE LEGISLATIVE SESSIONS, THE CAPITOL AND LIBRARY BUILDINGS, AND SUPREME COURT ROOM.

While Vermont stood as an independent State or Nation from 1777, to the time it was admitted into the Federal Union in 1791, there was no place fixed by statute for meeting and holding the sessions of the Legislature; as it was expressed in the legislative act of 1791, there were no places of "residence of the Legislature; it had no seat of government—no State House. Previous to the passage of that act the Legislature met in different places about the State as was most convenient and as would meet the wishes of the members of the Legislature. The Legislature met and its sessions were held as follows: at Windsor in March and October 1778, February and April 1781, June 1782, February 1783, October 1785, and October 1791; at Bennington in February 1779, October 1780, June 1781, January 1782, February 1784 and 1787, and January 1791; at Manchester October 1779, 1782 and 1788; at Westminster March 1780, October 1783, and 1789; at Charlestown, N. H., October 1781; at Rutland in October 1784 and 1786; at Norwich

in June 1785; at Newbury in October 1787, and at Castleton in October 1790. The Governor and Council also met in special sessions at Bennington in June 1778, November 1779, July and August 1780, and June 1790; at Arlington in April and December 1779, February, June and July 1780, March and April 1781, May 1782, and April, May and June 1783; at Windsor in July 1779, March 1786, and May 1801; at Manchester in January 1780; at Shaftsbury in March 1782, and April 1784; at Rutland in August 1788, and March 1799; and at Fairhaven in March 1789."

On November 1, 1791, an act was passed declaring in the preamble, that a "great inconvenience and expense have arisen to this State by reason of having no fixed place for holding the sessions of the Legislature, and that no place near the center is sufficiently settled to accommodate the same," and therefore designated Rutland for the session of 1792, and after that at Windsor and Rutland alternately for the space of eight years, and also provided that the then next adjourned session should be holden at Windsor, and after that alternately at Rutland and Windsor for the space of eight years. The regular October sessions of 1792, 1794 and 1796 were held at Rutland, and in 1793, and 1795 were held at Windsor. This covered but five years of the eight, and the only adjourned session was held at Rutland in February 1797, instead of at Windsor as the act of 1791, provided it should be. This was caused by the repeal of the act of 1791, in 1796. In fact Rutland and Windsor were subsequently selected

as the places of the meeting of the Legislature but not exclusive of other towns. Before the Legislature was permanently located at Montpelier, the sessions were held at Rutland in February 1797, and October 1804; at Windsor in October 1797, and in 1799, and January 1804; at Vergennes in 1798; and at Middlebury in 1800 and in 1806; at Newbury in 1801, Burlington in 1802, Westminster in 1803, Danville in 1805, and at Woodstock in 1807.

The act of 1791, located the sessions at Windsor and Rutland and on condition that those towns should at their own expense furnish wood and sufficent houses for the reception of the Legislature. At Windsor a "meeting house" was furnished and at Rutland a "State House" was furnished for the use of the Legislature.

In the General Assembly on October 1803, Solomon Wright of Pownal, Samuel Porter of Dummerston, Samuel Shaw of Castleton, William Perry of Hartland, Amos Marsh of Vergennes, Thomas Porter of Vershire, Udney Hay of Underhill, Reuben Blanchard of Peacham, Benjamin Holmes of Georgia, Samuel C. Crafts of Craftsbury and Daniel Dana of Guildhall on the part of the House, and Noah Chittenden of Jericho, James Witherell of Fairhaven, Eliakim Spooner of Weathersfield and Lieut. Gov. Paul Brigham of Norwich on the part of the Council, were appointed a committee to take into consideration the expediency of the measure of establishing a permanent seat for the Legislature and report by bill or otherwise. Paul Brigham for the committee reported, "that

in their opinion there ought to be appointed a committee consisting of a member from each County, to be nominated by the several County Conventions, as County officers are, for the purpose of examining and fixing upon the most proper place for a permanent seat of government and to report at the next session of the Legislature." And accordingly such a committee was appointed.

On November 12, 1803, a bill entitled an act appointing the committee named to fix a place for a permanent seat for the Legislature was before the Legislature, but it went over to the adjourned session when it was again under consideration and went over to the next regular session. On November 6, 1804, a new bill on the subject of place for a permanent seat of government was presented but it went over to the next session.

On October 15, 1805, the new bill was referred to a committee of one member from each County, joined by a committee from the Council, who reported "that they were unanimously agreed on the expediency of the measure of fixing a permanent seat, and that they have also agreed on the town of Montpelier, as being the most convenient place for the accommodation of the State at large;" and recommended that a bill be drafted accordingly. A bill was introduced on the 6th, and after some amendments the bill was passed Nov. 8, 1805, and it became a law and is as follows:—

"An act establishing the permanent Seat of the Legislature at Montpelier.

"SECTION 1. It is hereby enacted by the General Assembly of the State of Vermont, That Elijah Paine [of Williamston,] Ezra Butler [of Waterbury,] and James Whitelaw [of Ryegate,] be, and they are hereby appointed a committee to fix upon a place in the town of Montpelier, for the erection of buildings for the accommodation of the Legislature of this State, and to prepare a plan for such buildings.

"SEC. 2. And it is hereby further enacted, That if the town of Montpelier, or other individual persons, shall, before the first day of September, which will be in the year of our Lord one thousand eight hundred and eight, erect such buildings on the place designated by the aforesaid committee, to their acceptance, and shall compensate said committee for their services, and also convey to the State of Vermont, the property of said buildings and the land whereon they shall stand, and lodge the deed of conveyance, duly executed, in the Secretary of State's office, then, and in that case, said buildings shall become the permanent seat of the Legislature, for holding all their sessions.

"SEC. 3. Provided nevertheless, and it is hereby further enacted, That if any future Legislature shall cease to hold their sessions in said town of Montpelier, those persons, who shall erect said buildings, and convey the property of the same, and of the land as aforesaid, shall be entitled to receive from the treasury of this State, the full value of the same, as it shall be, then, fairly appraised."

It will be noticed that no provision was made in said Act for raising money to erect the Capitol building. The Legislature made Montpelier the permanent seat of the Legislature for holding all their sessions with two conditions: first, that Montpelier should give the land for a Capitol, and build the house by the first of September, 1808: and second, that if a future Legislature shall cease to hold their session in Montpelier, the State shall pay to Montpelier the value of the property.

At a legally warned meeting of the freemen of Montpelier a committee was chosen to receive subscriptions and donations for a State House and to superintend the building of the same at the expense of the subscribers; by the action of this meeting the town was not to be made liable either to pay for the House or to compensate the committee for their services. The individual subscriptions received and expended by the committee amounted to $6,138.88, the most of which was paid in produce, neat stock, materials, and labor; but in the spring of 1808, it became absolutely necessary to have money for the purchase of glass and nails, and to finish the house, and on May 12, 1808, a meeting was warned and held at which the town voted to raise a tax of four cents on the dollar of the inhabitants of the town on the list of 1807, "two thirds part payable in grain, butter, and cheese, at cash price to the State House committee on or before the third day of October next, and one third in specie or current bank bills, or orders from said committee, or receipts or orders from Sylvanus Baldwin," which sums were to be

applied towards the completion of the State House under the direction of the committee. This tax raised $942.79. In proceeding to collect the tax, the constable met Samuel Rich, a sharp and substantial inn-keeper residing in the town, who refused to pay his tax on the ground that the town had no authority to tax to build a State House. This legal point was regarded as well taken, and for a time was alarming; the Hon. Daniel Baldwin, then a minor, was appointed to collect the tax, and the opposition was withdrawn, and the tax cheerfully paid by the people.

The land for the State House grounds was conveyed to the State by Thomas Davis of Montpelier on August 23, 1808, and was described as follows: being part of a tract of land known by the description of Colonel Jacob Davis' lower pitch, containing two acres, bounded as follows, to wit: beginning on the northerly side of the Turnpike road leading from said Montpelier to Burlington, so far westerly of a large brick house lately built by said Thomas Davis that a line turning northerly at right angle with said road will pass by said house one half rod westerly therefrom, thence northerly on right angle with said Turnpike road sixteen rods, thence westerly a parallel line with said road twenty rods, thence southerly on a right angle sixteen rods to said Turnpike road, thence eastwardly on the northerly side of said road twenty rods to the place of beginning, together with the buildings thereon, lately erected for the accommodation of the Legislature of the State of Vermont. The "large

brick house lately built by said Thomas Davis," referred to in said deed to the State was the original Pavilion hotel, which was then the largest, most thoroughly constructed, and most elegantly finished hotel in the State. The grantor of said deed died December 17, 1864, in his 96th year of age.

The first State House was erected and finished on the grounds selected at Montpelier, to the satisfaction of the committee appointed by the Legislature, the first day of September 1808, and occupied by the Legislature on October 13, 1808, and it continned to be the Capitol until it was superceeded in October 1836. It was a three story building, well constructed of wood and covered a space of 50 by 80 feet on the ground and 36 feet high above the basement, surmounted by a belfry. The Representatives hall occupied all of the second story except the vestibule. The hall was warmed by a large stove in front of the speaker's desk. The Council Chamber was in the southeastern part of the third story, and was furnished with a table and chairs for fifteen members of the board including the Governor, Lieutenant-Governor, and Secretary. In rear of the Council Chamber, over the hall of the House, was a large room called "Jefferson Hall," which was used by canvassing committees and for caucuses; and from this hall there was access to several smaller committee rooms. E. P. Walton, in his Governor and Council, says of the House, "were not the dry pine benches too strong temptations for the gratification of the Yankee propensity for whittling, the first State

House would have been good for half a century at least. The truth is, this old house was literally whittled out of use. The holes were too big for putty and paint, and too ugly to be agreeable, So a new house was indispensable, while, in all but the seats, the old was not half worn out."

The first meeting of the Legislature at Montpelier in the new State House was honored by all the ceremonies and courtesies, civil and military, that were possible. The election sermon was by Rev. Tilton Eastman. Escort duty was performed "by United States troops, under the command of Colonel Larned Lamb of Montpelier, who at that time had received a commission in the U. S. Army and raised a company. A large number of people attended to witness the opening of the Legislature and the proclamation of the State officers, and but a very small part of them could gain admission to the House. Colonel Lamb's company had filed in after the representatives and occupied the back seats of the hall of the house, when Mr. William Templeton objected strongly to the presence of United States troops to the exclusion of the freemen of the State, and especially of those who had contributed for the building of the State House. He was clamorously seconded, and the troops were ordered to withdraw from the hall."

Several attempts were made to remove the State House from Montpelier. At the session of 1810, when the bill constituting a new County by the name of Jefferson (now Washington) was before the House, the following amendment to the bill was offered:

"Provided nevertheless, And it is hereby further enacted, That this act shall not take effect, nor said county of Jefferson be organized, nor any Supreme court hold any session therein, until the inhabitants of said county hereby created, shall pay to the inhabitants of said Montpelier, and other individuals, who assisted in building the state-house in said Montpelier, the full value of said state-house and the land on which it stands, so as to discharge the state from all liability to pay said value upon the legislature's ceasing to hold its session at said Montpelier; and be free from all obligations to hold any future sessions at said Montpelier, and be at libery to hold their sessions in any part of this state which they shall think proper, without incurring any expense to the State in any way, on account of said state-house, and the said inhabitants of said county, so soon as they shall have paid for said state-house as aforesaid, and shall have rendered the said Legislature free to hold their sessions out from said Montpelier, without expense to this state, shall be entitled to receive from this state all the right and title this state has to said state-house and the land on which it stands," but the amendment proposed was rejected. On November 3, 1812, on motion of Titus Hutchinson of Woodstock, a committee was ordered to inquire into the expediency of repealing the act of 1805, which made Montpelier the Capitol, and fixing upon some other place or places for holding the sessions; the committee reported that the subject ought to be referred to the then next session, and this was

agreed to, but on November 6, 1812, a committee consisting of one member from each of the Counties of Rutland, Addison, Chittenden, Windsor, Orange, and Caledonia, were appointed by the House to receive such proposals as might be made relating to the removal of the seat of government. This committee reported to the Legislature October 26, 1813,—

"That in case the present Legislature should think it for the interest and convenience of the state, to remove the seat of government from the town of Montpelier, the inhabitants of the city of Vergennes, in the county of Addison, propose to furnish the state with a commodious house in said city of Vergennes, for holding their future sessions—furnished with as many good stoves as may be necessary for their convenience and accommodation: and also to pay the treasurer of the state, within sixty days, or at such other time as may be required, a sum equal to one half the present value of the state house, now erected in said Montpelier, and take a conveyance of the same with the appurtenances thereto belonging. The said inhabitants of Vergennes secondly propose, that in lieu of said proposition and conveyance, to pay the treasurer of the state the sum of two thousand dollars as aforesaid, and leave the disposal and benefit of said buildings and premises to the state.

"The inhabitants of Windsor, in the county of Windsor, propose to furnish a suitable building for the accommodation of the Legislature, and also to pay to the treasurer of the state a sum equal

to one half the present value of the state-house, at such time as may be required; and take a conveyance of the same as aforesaid.

"The inhabitants of Burlington, in Chittenden county, propose to furnish the state with a suitable building for the accommodation of the Legislature—and also to pay the treasurer of the state a sum equal to one half of the present value of the state-house in Montpelier, at such time as may be required; and take a conveyance of the same as aforesaid.

"The foregoing propositions were made by the inhabitants of the city of Vergennes, and the towns of Windsor and Burlington, on conditions that the Legislature shall, at their present session, pass a law establishing two of said towns as the permanent place for holding their future sessions, alternately, and those places only which are designated for the purpose aforesaid shall be holden to comply with the aforesaid proposals—and, should the said Legislature hereafter think proper to remove their sessions from the aforesaid places, then and in that case it is expected and required, that the said state shall refund the aforesaid sums of money paid by the said inhabitants from the towns aforesaid."

The committee on Nov. 6, 1813, reported that in their "opinion the removal of the seat of government from Montpelier is inexpedient and improper;" the House accepted the report.

At the October session, 1815, another committee was appointed to inquire into the propriety of removing the permanent seat of the Legislature from

Montpelier to Burlington and Windsor alternately, and the Council concurred in adopting a resolution with that end in view; and it was provided in one of the resolutions that, "in case of a removal to make provision for the appraisal of, and the payment for the public buildings in Montpelier agreeably to 3rd section of an act passed the 8th. day of Nov. 1805, entitled "an Act Establishing the Permanent Seat of the Legislature at Montpelier," but nothing came of it. In 1824 another attempt was made by bill to establish the permanent seat of the Legislature at Burlington and Windsor. The bill was thoroughly debated but was dismissed by a vote of 118 to 49.

By 1831, the population of the state had so increased and the inadequate accommodations at the State House for the needs of the Legislature was so manifest, various propositions were made to enlarge the State House or to build a new one so as to meet the increasing wants of the Legislature, and to satisfy the commendable pride of the people. On October 21, 1831, a resolution was moved authorizing the committee of Ways and Means to inquire into the expediency of appointing commissioners to receive proposals from the citizens of Montpelier, Burlington, Woodstock, Windsor, Rutland, Middlebury and Randolph for the erection of a new State House; this was amended so that proposals might be received from every town in the State. The resolution was agreed to. A committee was appointed who reported at the next session in 1832, that the citizens of Burlington through their committee offered $30,000; the citi-

zens of Montpelier through a committee offered $10,000 as one-third of the expense of building the proposed house. Two separate bills were introduced, one for erecting the new State House at Montpelier and the other to establish the permanent seat of the Legislature at Burlington; other bills were introduced with the same object in view. The House went into a committee of the whole on the subject.

On Nov. 8, 1832, a bill was passed by the House authorizing the building of a State House at Montpelier by a vote of 115 to 83, and it was concurred in by the Council by a vote of 10 to 2. By the act $15,000 was appropriated by the State for the purpose of erecting a new State House at Montpelier, provided, the inhabitants of Montpelier, or any individual, shall before the first day of January 1833, give good and sufficient securety for the payment of that sum. The requirements of the act was complied with. The citizens of Montpelier raised $3,000 in excess of the $15,000 to pay for five acres of land deeded to the State for the sole purpose of erecting State buildings thereon and a common for the use of the same and the public. Gov. Jenison appointed Samuel C. Crafts, Allen Wardner and George T. Hodges commissioners for the purpose of fixing the place in Montpelier for the erection of the House, and to prepare a plan of the same; Lebbeus Edgerton was appointed superintendent of construction. The commissioners and superintendent accompanied by the architect, Ammi B. Young, examined the State House at Concord, N. H., at Boston, Mass., and at Hartford, Conn.

They adopted the plan of Mr. Young, selected Barre granite for the exterior walls, prescribed copper for covering the dome and roof, and recommended an improved finish that would make the entire cost $84,000, but the entire expense to the State in the end, including the grounds, was $132,077.23, making the entire cost of the buildings and grounds, including what was paid by the town of Montpelier and its citizens, the sum of $137,677.23. The work was commenced in the winter of 1833, and completed in the autumn of 1838. The building stood on an elevated site, about 325 feet north of State street, on which it fronted, and was about 35 feet above the level of it. The entrance to the grounds, and principal approach to the house from that street, was noble and commanding; the gateways, the fence, the grounds, and all their details were in keeping with the building and assisted in giving to it that consideration due to it as the Capitol of a flourishing, independent State.

There occurred two fatal accidents while the State House was being built. A Mr. Hutchinson, a citizen of Worcester, though not an employee of the State, was killed by the blasting of rocks for the State House, while attending to his proper business some thirty rods from the scene of blasting; his widow Eunice Hutchinson was granted some pecuniary relief by the State, as was Mrs. Josephine Culver by the reason of the accidental killing of her husband. Mr. Culver, while in the service of the State in blasting rocks preparatory for the foundation for the then new State House, had been accidently killed. Vermont's second State House

was first occupied by the Legislature in October 1836. This beautiful house after twenty-one years of use for the Legislative sessions, on the 6th day of January, 1857, took fire from one of the furnaces under the floor of the Representative Hall, and from thence the flames ran quickly within the ceiling to the roof and dome. The weather was very cold, with a strong gale from the north west, and these unfavorable conditions, together with the location of the fire, defied all efforts to save the interior of the building, and all the contents, except the Library which was got out, and the books and papers in the safe of the Secretary of State's Office and in the office of the Treasurer, a few articles of furniture and the portrait of Washington, and the marble bust of Judge Elijah Paine, was reduced to ruins. The granite walls which were lined with brick withstood the heat so well, that the portico and outline of the walls of the entire building remained standing and well preserved. E. P. Walton said, "the portico of the State House was a perfect copy to the smallest detail of the best specimen of Grecian architecture."

The destruction of the second State House necessitated the building of the third one, and with the purpose of providing a new State House, Governor Ryland Fletcher issued a proclamation summoning the Legislature to meet at Montpelier on February 18, 1857, and it met accordingly. The question changing the location of the capitol from Montpelier to some other town in the State, as well as the subject of rebuilding the State House and furnishing therefor came under discussion and

consideration. After a patient consideration and full discussion, the House in committee of the whole on February 26, 1857, by ballot selected Montpelier as the capitol. The ballots were as follows: for Montpelier 116, for Burlington 67, for Rutland 35, for Bellows Falls 8, for Middlebury 1—majority for Montpelier 4. On February 27, 1857, an act was passed for rebuilding the State House, which was concurred in by the Senate on the same day. The act was as follows:

"AN ACT to provide for rebuilding the State House.

"*It is hereby enacted by the General Assembly of the State of Vermont, as follows:* SEC. 1. The sum of forty thousand dollars is hereby appropriated for the purpose of rebuilding the State House, and making such repairs and improvements in and around the same, and furnishing said House, as may be necessary; and the Treasurer is hereby directed to pay said sum to the Committee to be appointed, as hereinafter provided, to superintend such work of rebuilding and repairing as aforesaid, out of any moneys in the treasury not otherwise appropriated. *Provided*, the inhabitants of Montpelier, or any individuals, shall, before the rising of this Legislature, give good and sufficient security to the Treasurer of this State, to pay into the treasury of the State a sum equal to the whole cost of the work mentioned in the first section of this act, one half of said sum to be paid in one year and the remainder in two years from the passage of this act, or on the completion of the work.

"SEC. 2. It is hereby made the duty of the Gov-

ernor to appoint three suitable persons as a committee to prepare a plan according to which such rebuilding and repairs are to be made. And it shall be the duty of said Committee to deliver one copy of the plan so prepared by them to the Secretary of State, and one to the superintending Committee, on or before the first day of April, A. D. 1857.

"SEC. 3. It is hereby made the duty of the Governor to appoint some suitable person as a Committee to superintend the work mentioned in the first section of this act, agreeably to the plan adopted by the Committee aforesaid. And such superintending Committee shall, before he enters upon the discharge of his duties, give good and sufficient bonds to the Treasurer of the State, in the sum of twenty thousand dollars, for the faithful discharge of his duties."

Gov. Fletcher appointed George P. Marsh of Burlington, Norman Williams of Woodstock, and John Porter of Hartford, a Committee to prepare a plan for rebuilding and repairs; Thomas E. Powers of Woodstock a Committee to superintend the work. Thomas W. Silloway of Boston was employed as architect until the autumn of 1857, when Joseph R. Richards of Boston succeeded him and was employed until the buildings were ready for use October 13, 1859. The cost of rebuilding and furnishing to October 22, 1860, was $140,996.63. Subsequently there was paid, under special acts, $5,400 to Superintendent Powers; and $2,000 to Larkin G. Mead for the statue of Ethan Allen—making the total cost $148,396.63. Of this sum, the State received $42,220.72 from citizens of

Montpelier, and the balance of the total cost was paid by the State.

This State-House is in the same yard and occupies the site of the second house, and is of the same order of architecture—the portico, which is the most beautiful part of the exterior, being precisely the same. The length of the central building is, however, thirteen feet eight inches greater than that of the second house, and each of the wings were lengthened twelve feet six inches, thus adding about one-fourth to the commodiousness of the building without detracting from its beauty. There were other changes in the roof to each wing and in the dome, and still greater changes were made in the interior. The comparative sizes of the second and third State-House buildings will be seen by noting the fact that the exterior walls of the former house measured 600 feet in length, while the new one measured 677 feet, and the wings have an addition to their height with some other changes, making the new State-House more than one-fourth larger than the old. The library room had more than double the capacity of the old shelf room; the executive, Senatorial and Legislative Halls were enlarged; the offices and committee rooms, with a cabinet for specimens in geology and natural history were far superior. The building consists of a central building and two wings. The central building has in front a Doric portico, seventy-two feet eight inches in length by eighteen feet projection, connected with the wall in the rear of the same which forms the main front wall of the central building and is of the same

width of the portico; the side walls are ninety-five feet eight inches long. The height of the portico to the apex is sixty feet. The wings are each fifty-two feet long in front, by fifty feet eight inches on ends, and are each forty-seven feet eight inches high from the base course to the apex of the pediment, and their cornices are eight feet four inches below that of the central building. Thus giving the form of the Greek Cross to the structure.

The central building has three stories. The library room was in the second story as are the Executive Chamber, the Senate and the Representative Hall; the latter is in the form of the letter D, with the speaker's desk in the center of the perpendicular line opposite to the entrance to the hall. Vermont has a Capitol, commodious and grand in all its appointments.

As the State library increased it became evident that larger accommodations for it would become necessary, that it might be consulted and used advantageously by the people of the State, especially, that portion consisting of the law library. From the early days of Vermont after a Supreme Court was established until a recent date the Supreme Court under the laws of the State held a session once a year in every County in the State. While this was convenient for local litigants, it did not give the judges a suitable opportunity to consider the cases brought before them for consideration and decision; and when the Court was composed of six judges or more only three or four of their members attended the sessions, so that the litigants did not have the

benefit of the judgement of the full bench. To obviate this difficulty, a general term of the Supreme Court was established by Statute to be held at Montpelier once a year to which important cases, in the discretion of the judges might be sent where the cases might be heard and have the consideration of the full bench. One reason why Montpelier was selected for holding the General Term was that the attorneys and judges might have the use of the law books in the State library and a convenient opportunity to consult them. The General Term of the Court was held in the County Court house of Washington County located at Montpelier. This manner of holding the Supreme Court, was not quite fair to those litigants whose cases were not sent to the General Term and did not have the benefit of the judgement of the full bench, when their cases might be just as important as those that were sent to the General Term for hearing; beside it required an extra session of the Court. It became evident to many that there should be some fixed place in the State where all cases to be heard before that tribunal, should be tried. Montpelier undoubtedly, would accommodate the Court and the people of the State, better than any other, on account of its central position and because both the bench and the bar could have the benefit of consulting the law books in the State library.

The Legislature of Vermont, by an act approved November 22, 1884, appropriated thirty-six thousand dollars for the purpose of erecting within the village of Montpelier, and upon lands of which the State had control, a building for the

use of the State library, the Supreme Court, and the collections and library of Vermont Historical Society, and other State public uses. The act provided that the building should be erected of stone or brick, substantially fire-proof. The governor, lieutenant-governor, State librarian, Frederick Billings, Redfield Proctor, H. Henry Powers and John L. Edwards were appointed commissioners, and empowered to select a site, determine upon a plan, and erect the building and appoint a person to superintend its construction.

Under that act the committee appointed to construct the Library and Supreme Court building proceeded to erect the same and carried the work forward to its completion. The building is 48 feet in width and 74 feet in lenght, connected at its south-east corner with the north-west corner of the State Capitol by a structure 8 feet by 23 feet. It is two stories in height: the first being 13½ feet in the clear, and the second 14 feet, except the part occupied by the library, which opens into the roof, showing the iron trusses, by which it is supported. The first and second story floors are made level with the corresponding floors of the Capitol and connected therewith. The basement is divided into several rooms. The basement is reached by a flight of iron stairs leading from the front corridor and divided into a large toilet room, 12 feet by 48 feet, and fitted with the best modern improvements, and lighted by five windows, giving ample light and ventilation. It has also a store room 12 by 48 feet, a coal and fuel room 16 by 48 feet, and a boiler room 19 by 39 feet. The first

story is entered from the west corridor of the Capitol, also from the outside by a pair of large doors opening into a vestibule in the structure connecting the library building with the west wing of the Capitol. The Court room is 26 by 49 feet; the Judges' room, connected with the Court room, is 15 by 17 feet, and a lawyers' room 13 by 28 feet, also two toilet rooms and two committee rooms.

The second story corridor is entered from the first by an iron stair-case and from the old library through double fire-proof doors. From the upper corridor a door opens into the librarian's room which is 8 by 14 feet. From these rooms are entrances into the library room which is 44½ by 50 feet. The book stacks and shelves are capable of holding about 35,000 volumes. The construction of the building is thorough and durable in every particular. Great care was taken to make the building as nearly fire-proof as possible. The finish and the furnishings of the building and rooms are fine and comports with the style of the building, and the furnishings adapted to the use for which the rooms were designed. It is a building, like the capitol, of which every Vermonter might well feel proud.

"THE COAT OF ARMS

of the State is a landscape of green occupying one half of the shield: on the right and left, in the background, are high mountains of blue (Mt. Mansfield and Camel's Hump as seen from Lake Champlain), with a sky of yellow. From near the base and reaching nearly to the top of the shield arises a pine-tree of the natural color, and between

erect sheaves of yellow, placed bendwise on the dexter side, and a red cow standing on the sinister side of the field.

"THE CREST is a buck's head, of the natural color, cut off and placed on a scroll of blue and yellow.

"THE MOTTO AND BADGE.—On a scroll beneath the shield is the motto, 'VERMONT; FREEDOM AND UNITY.'

"THE VERMONTER'S BADGE is of two pine branches of the natural color, crossed between the shield and scroll.

"THE STATE SEAL consists of the Coat of Arms of the State, excluding the crest, scroll, and badge, with the motto in a circular border around the same.

"THE FLAG OF THE STATE consists of thirteen stripes, alternate red and white, the union being a field of blue, with a single star of white, with the Coat of Arms therein.

"THE STATUE OF ETHAN ALLEN, standing in

the portico on the left of the front entrance to the State House, by LARKIN G. MEAD, JR., was erected in 1861, at an expense of $3,000.

"THE FIELD PIECES, standing in the portico on the right of the front entrance to the State House, were captured from the Hessians at the Battle of Bennington, Aug. 16, 1777."

By an act of the legislature, approved November 22, 1892, it was provided that three general terms of the Supreme Court for all counties should be held on the second Tuesday of January, May and October of each year, at Montpelier, and that special terms might be there held at such other times as the Judges of the Supreme Court may appoint; and the act provided that all causes on the docket of the court in the several counties shall be heard at said terms. And ever since the passage of said act all cases tried in the Supreme Court have been heard in said Supreme Court room in said library building.

CHAPTER XII.

BIOGRAPHICAL SKETCHES OF PIONEERS OF THE NEW HAMPSHIRE GRANTS AND VERMONT.

BENJAMIN HOUGH resided in the western part of the New Hampshire Grants, had previous to 1774 accepted, and officiated in the office of justice under the authority of New York, to the disgust and annoyance of the Green Mountain Boys. He was arrested by them and brought before the Committee of Safety at Sunderland; he plead he was under jurisdiction of New York and was not guilty; his pleas were answered by the decree, of the convention that was held by the Green Mountain Boys, which forbid all persons holding any office, civil or military, under the colony of New York. The judgment of the Committee was, that he "be taken from the bar of Committee of Safety and tied to a tree, and there on his naked back, to receive two hundred stripes; his back being dressed, he should depart out of the district, and on return, to suffer death, unless by special leave of convention." He petitioned the New York Assembly for protection which resulted in that body asking their Governor to issue a proclamation offering a reward of fifty pounds for the apprehension and securing eight of the principal Green Mountain Boys that they called the "Bennington Mob," and to the action

of the New York authorities a defiant reply was made.

Deacon Azariah Rood came from Lanesboro, Mass., and was one of the three first settlers of Jericho in 1774. He was the first Selectman chosen in that town and chairman of the committee to hire the first candidate as clergyman. His loyalty to the Grants was doubted and charges were brought against him. His accusers were zealous Whigs who would naturally judge him harshly. The record shows that the judgment that was pronounced against him was rejected and he took the oath of fidelity and kept it faithfully. He died in 1795, leaving a son, Thomas Darkely Rood, who also was a deacon.

Lieut. Martin Powell of Manchester was one of the committee of seven who issued the warrant for the convention of January, 1776, and delegate in that convention and the one held in 1777; Member of the first General Assembly of March, 1778, and for eight years following; Judge of Probate twelve years; member of the convention of 1791, which adopted the Constitution of the United States.

John Taplin was one of the first settlers of Newbury. He was appointed Commissioner to administer oaths of office and Judge of Inferior Court of common pleas, March 17, 1770; and Judge again April 10, 1772. His son, John Taplin, Jr., was Sheriff of Gloucester county from March, 1770, until May, 1777.

Col. Samuel Wells, of Brattleboro, was an

avowed Royalist and a member of the Colonial Assembly of New York from January, 1773, to the end of that body April 3, 1775. His family was rewarded by the British government for his services. It was stated in the New York Gazette of June 23, 1777, that "Wells of Brattleboro had been lately confined to his farm and otherwise ill-treated, and it is known that, for a long time, permission was granted to anyone to shoot him should he be found beyond the bounds of his acres."

Ebenezer Wood was among the first settlers of Bennington, and third Sergeant in the first military company there in 1764. In February, 1778, he was appointed one of the captains in the intended secret expeditions under Stark. To him, as Colonel, and his associates, the township of Woodbury was granted, and it was named for him.

Capt. Parmalee Allen was connected by blood with Ethan and Ira Allen and their relatives. Timothy Allen, of Woodbury, Conn., was his father and cousin of Gen. Ethan Allen. Parmalee Allen came to Pawlet with his father in 1768, and was Town Clerk in 1770, and served with credit in Herrick's regiment of Rangers, and was afterwards, about the year 1780, appointed Captain of one of the companies of Rangers.

Samuel Benton was among the first settlers of Cornwall, and represented that town in 1787 to 1790 and in 1791.

John Chandler was the oldest son of Thomas Chandler, senior, of Chester, and came to Vermont with his father in 1763, and held several offices

under New York until February, 1772, when he was removed from the office of Clerk of Cumberland county for misconduct. His bad habits in business were strongly fixed.

Major Helkiah Grout, of Wethersfield, was born in Lunenburgh, Mass., July 23, 1728, and came to Vermont previous to June 27, 1755; on that date, he, with several others, was captured by the Indians at Bridgman's Fort in Vernon. In 1758 or in 1759, on being released, returned to Cumberland county. He adhered to New York, and was employed in various offices under the authorities of that State, and was appointed Captain of the Weathersfield company in 1775 and was the first Major of the regiment in 1776; he was a delegate for Weathersfield in the Committee of Safety, in 1777; assistant Judge in inferior court of common pleas, in 1778; a Justice of the Peace, Commissioner to administer oaths of office, and Justice of the court of *oyer and terminer*, in 1782. On the 17th of February, 1779, he went to Shrewsbury as a New York magistrate, and took sundry affidavits, for which he was seized and tried by a court-martial consisting of several officers of Warner's regiment on the 18th of February. The charge made against him was not sustained, but he was afterwards tried by jury, convicted, and fined by a Vermout civil court. The charge was for acting as a magistrate in taking the affidavits referred to under New York. In 1785 he represented Weathersfield in the Vermont Legislature.

Col. Udney Hay was a descendant from an

eminent family of that name in Scotland and was highly educated and distinguished for his talents. He was a politician and opposed to the Constitution and to the administrations of Washington and John Adams. Soon after the Revolution he settled in Underhill, and there lived and died. He represented that town in the General Assembly from October, 1798, to October, 1804.

Noah Sabin, Jr., represented Putney in the Legislature from 1782 to 1787; was Register of Probate for the district of Westminster from 1791 to 1801, and succeeded his father as Judge from 1801 to 1809. He died Dec. 5, 1827.

Maj. John Shepardson, was born in 1718 and died in 1798, and was in the second company of settlers in Guilford, which in 1772 was styled the "district of Guilford" in the county of Cumberland and province of New York. He was the first Clerk of the town, and among the earliest adherents to Vermont in that town; he was Judge of Probate under Vermont government in 1778, and Judge of the Superior Court in 1778–9. A party of Yorkers in 1782, attempted to arrest him and Lieut.-Gov. Carpenter, but failed.

Dr. Beldad Andross was one of the delegates from Bradford to the conventions at Windsor, June and July, 1777, to organize the Vermont government, and a member of the Vermont Assembly in 1787. He was a justice of the peace under New York from 1766 until, at least, March 14, 1775, as on that day he signed in his official character as a New York magistrate, the "State of Facts" of the Westminster Massacre.

INCREASE MOSELEY was born at Norwich, Conn., May 18, 1712, and removed to Ancient Woodbury, Conn., about 1740, and to Clarendon, Vt., in 1779. He was a leader of the Revolutionary patriots of Ancient Woodbury, and was moderator of the first meeting, for the relief of Boston, Sept. 20, 1774; that meeting appointed him chairman of the committee of correspondence to secure peace and union in that and the neighboring Colonies; on Nov. 17, 1774, was appointed one of the committee to secure compliance with the "Articles of Association" adopted by Congress October 20, 1774; and appointed Sept. 19, 1775, one of the "Committee of Inspection and Observation" over Tories and other dangerous persons; he served for thirty-six sessions in the Legislature of Connecticut. He represented Clarendon, Vermont, in the Legislature of 1782, and was speaker of that session; he was Judge of the Supreme Court of the State in 1780, and President of the Council of Censors in 1785, Chief Judge of Rutland County Court six years, commencing in 1781. He died May 2, 1795. He had eight children and, at least, five sons.

JOHN CHIPMAN was Second Lieutenant in the 3d Co. of the regiment of Green Mountain Boys organized at the house of Cephas Kent, innholder, in Dorset, July 26, 1775. He cleared the first land in Middlebury. He was active in military service most of the time from the spring of 1775 till he was taken prisoner at Fort George in October, 1780. He took part in the capture of Fort Ticonderoga on the morning of May 10, 1775, and was at the

taking of St. Johns and Montreal, and in the battles at Hubbardton, Bennington and Saratoga.

THOMAS TOLMAN of Arlington was Secretary of the Council from October, 1784 to 1785. His father romoved from Attleborough, Mass., to Greensborough, Vt., Oct. 1, 1817, and died July 4th, 1821 in his 94th. year. His son, the subject of this sketch, was born at Cornwall Sept. 5, 1756, and married Lois Clark at said Attleborough, Aug. 17th, 1780, and removed from this town to Arlington, Vt. in June 1781, and from Arlington to Cornwall in Feb. 1788, and from Cornwall to Greensborough in Sept. 1795, where he died Sept. 8, 1842, aged 86 years. He had lived in Vermont, a short time before he removed his family to Arlington as he was Secretary to Governor Thomas Chittenden in December 1780. He was Secretary protem of the Board of War in 1781, and representative of Arlington in 1784, and for Cornwall in 1790. He served on the committee of Pay-Table, and as Pay-Master, and engrossing Clerk, and at the session of 1784, was appointed as one of the committees to draft a reply to the Governor's speech; he was appointed with Ira Allen, by the Governor and Council in Jan. 1783, to draft the remonstrance to Congress against the belligerent resolutions of Dec. 5, 1782. He was held in high estimation as a writer and preacher; he was pastor of the Congregational church in Cornwall from Sept. 26, 1787, until Nov. 11, 1790.

ELISHA ALLIS graduated at Harvard in 1767. In Feb. 1791, he removed with his family from Williamsburgh, Mass., to Brookfield, Vt. In 1789

and 1790, before he removed his family from Mass., he spent the summers in clearing a small farm and erecting buildings in Brookfield, making a homestead for the remainder of his life. He represented that town in the General Assembly in 1793, and from 1795 to 1799 inclusive, and also in 1813; was Councillor from 1799 to 1803; delegate in the Constitutional Convention of 1793; Assistant Judge of Orange County Court from 1797 to 1802; deacon in the Congregational church for more than 35 years, revered by a numerous posterity, honored and respected by his neighbors and fellow-citizens. He died April 3, 1835.

JOHN BRIDGEMAN was appointed Justice of the Peace for Cumberland County, by New York government April 14, 1772, and from June till Nov. 1776, a member of the Cumberland County Committee of Safety. He was the magistrate who tried Col. Timothy Church in July 1782, and issued the execution that Church resisted. In Jan. 1781, the Convention held at Charleston, N. H., appointed him one of the committees to wait upon the General Assembly of Vermont, to promote the scheme of uniting all of the New Hampshire Grants, west of the Mason line, under one government; in March 1782, he was elected an Assistant Judge and Justice of the Peace for Windham County, and he was a member of the Vermont Assembly of that year, and in 1784, 1786, 1794 and 1796. He held the office of Assistant Judge of Windham County Court from 1781 until 1796, except the year of 1783, and he was Chief Judge from 1796 until 1801. He was Judge of Probate in 1789 until 1803; Councillor in

1799; and Elector of President and Vice-President in 1796. This surely was a good record.

SOLOMON MILLER was born in West Springfield, Mass., in 1761. He entered the Revolutionary army, and was in the battle of Bennington and at the taking of Burgoyne. After the conclusion of the Revolutionary War he removed to Wallingford, and from thence in 1786 to Williston, of which town he was Clerk for many years. He was for 15 years Clerk of Chittenden County, and for 14 years Judge of Probate. He represented Williston in the General Assembly in 1797, and was Councillor from 1799 until 1803, and in 1808, 1813, and 1814. He died in 1847.

PAUL BRIGHAM was one of the most trusted and remarkable men of early Vermont. He took his seat as Councillor at the October session of 1792 for the first time, although elected to the office in joint Assembly on October 25, 1791. He received twenty-seven elections from the people of the State at large,—one in 1792 as Elector of President and Vice-President; five elections as Councillor from 1792 to 1796 inclusive; and twenty-one as Lieutenant Governor from 1797 until 1813, and from 1815 until his declination in 1820. During the adjourned session of the Legislature from Feb. 14, to March 1797, he presided in the absence of Governor Chittenden, and on the death of the Governor, August 24, 1797, he became acting Governor. He was born in Coventry, Connecticut, January 17, 1746, and died at Norwich June 15, 1824; in his death the people mourned the loss of one whom, with the blessings of heaven, our national

Independence was achieved. He had been Captain in the Continental army; previous to his acceptance of his Commission, he had arisen to that rank through every intermediate step from a Corporal in the militia. When the Commission was tendered to him he had held the office of Captain long enough to be exempted by law from military duty, but he shrank not in the hours of his Country's danger and need; he entered the field to redeem the pledge of the signers of the Declaration of Independence of "their lives, their fortunes, and their sacred honor." On June 16, 1777, he joined his regiment under command of Col. Chandler, in Gen. McDougall's brigade. He fought under Gen. Washington, in the battles of Germantown and Monmouth and was in the detachment of Mud Island by whom Fort Miflin was a long time bravely defended against the land and naval forces of the enemy. He served in the National army three years. In the year 1781, removed with his family to Norwich, Vt. In the military he was promoted through every grade to a Maj. General. He was successively high Sheriff, Judge of Probate, and Judge of the Windsor County Court; he represented Norwich in the General Assembly in 1783, 1786 and 1791, and a delegate in the Coustitutional Convention of 1793, 1814 and 1822. He was respected for his republican simplicty of manners and ardent patriotism, and for many useful labors in the different stations to which he was elevated by his fellow-citizens. He retired to the shades of private life, to witness in the evening of his days the happy effects of the laws which he had assisted in framing, and to

reap the rewards of his faithful services in the esteem of a free and enlightened people.

NOAH SMITH was born at Suffield, Conn., and was a graduate of Yale College in 1778. On leaving college he moved to Bennington, Vt. On the 16th of August, 1778, he delivered an address on the first anniversary of the Battle of Bennington. He was admitted to the bar of Vermont at Westminster, May 26, 1779, with Stephen R. Bradley—these being the first admissions to the bar of Vermont. He held the office of State's attorney for the County of Bennington for the years of 1780, from 1786 to 1789, and in 1791. He was Clerk of Bennington County Courts from 1781 until 1784; Judge of the Supreme Court in 1789 and 1790 and again from 1798 until 1801. He served as Councillor but one year, he removed from Bennington to Milton soon after 1800, and died at Milton Dec. 25, 1812, at the age of 57 years.

DOCT. TIMOTHY TODD represented Arlington in 1790, 1793, 1794 and 1795; was Councillor from 1798 until 1801; delegate in the Constitutional Convention of 1791;he was an influential member of the first incorporated Medical Society in the State, and a poet ranking well among his contemporaries.

ABEL SPENCER was among the inhabitants of Clarendon who left their homes on the approach of Burgoyne's army, in 1777, and joined the enemy. For this he was fined one thousand pounds. In 1779, he petitioned for a remission of a part of this fine, and one-half of it was remitted. He represented Clarendon in 1791 until 1797, except in 1794; he

represented Rutland in 1802, 1803, 1806 and 1807, and was Speaker of the House in 1797 and in 1802; was Councillor from Oct. 13, 1798 until 1801, and State's Attorney in Rutland County from 1796 until 1803. He was the Federal Candidate for United States Senator in October 1802, and was defeated by Israel Smith by a vote of 111 to 85. He was expelled from the House, Nov. 10, 1807, by a unanimous vote, for theft.

BENJAMIN BURT was a member of the House in 1798 and resigned his seat and entered the Council on Nov. 1, 1798. He was arrested as one of the Court party at the Westminster massacre in 1775, but he soon after joined the Vermont party, and was appointed Judge of the County Court in 1781. In 1784 he was Quarter-Master in Col. Stephen R. Bradley's Vermont regiment; he was a member of the House from Westminster in 1781, 1786, 1796, 1797, 1798 and till Nov. 1st, 1799; was Councillor from Nov. 1798 until October 17, 1799, when he resigned and chose to serve in the House. He was Judge of Windham County Court in 1781, and from 1786 until 1803; and a member of the Council of Censors in 1792.

RICHARD WHITNEY was an Attorney of Windham County Court in 1795, residing at Guilford. Clerk of the House from 1792 to 1798, when he declined a re-election. On Oct. 15, 1798, he was appointed Secretary of the Governor and Council, and he held that office until 1804. He died in May 1805 at Hinsdale, now Vernon, at the age of 39 years.

GEN. WILLIAM CHAMBERLAIN, born at Hopkinton, Mass., April 27, 1753 and removed with his

father to London, N. H., in 1773. His career was a notable one. He volunteered and entered the army in 1775, and served as orderly sergeant in the invasion of Canada, enduring great sufferings, and being one of the nine officers and privates, out of a company of seventy, who survived to take part in the battle of Trenton, N. J. At the expiration of the term of his enlistment, he returned to New Hampshire, but on Burgoyne's invasion in 1777, he again volunteered, and was in the battle of Bennington and brought away some trophies of personal combat with his enemies. In 1780 he removed to Peacham and was Clerk of the proprietors of the town; he was Town Clerk 12 years; Justice of the Peace for 24 years; Town Representative in 1785, 1787, until 1796, in 1805 and in 1808; Chief Judge of Caledonia County Court from 1787 until 1803, and again in 1814; Councillor from 1796 until 1803; Lieut. Governor in 1813 to 1815; delegate to the Constitutional Convention of 1791 and 1814; a Presidental Elector in 1800; and a member of Congress two terms 1803–5, and 1809–11. He died Sept. 27, 1828. He was upright in private life, a friend of order, learning and religion; he lived to see the wilderness of Vermont become a cultivated and a populous region.

Stephen Jacob was an attorney. He was born in Sheffield, Mass., and was a graduate of Yale College in the class of 1778, and appeared first in the records of Vermont as poet at the first celebration of the battle of Bennington, 1778. He was representative for the town of Windsor in the General Assembly in 1781, 1788, and 1794. and

served as Clerk in the House in 1788 and 1789; a member of the first Council of Censors in 1785, and a delegate in the Constitutional Convention in 1793; Chief Judge of Windsor County Court from 1797 until 1801, and Councillor from 1796 until 1802. He distinguished himself for courage and energy in quelling the attempted insurrection in Windsor County in 1786, and in 1789, he was appointed one of the Commissioners to settle the controversy with New York, and served in that delicate and important business. He died in February, 1817, aged sixty-one years.

ELIAS KEYES was born in Ashford, Conn., and was one of the first settlers of Stockbridge in 1784 or 1785, and he represented the town in the General Assembly in 1793 until 1803, and 1818, 1820, and from 1823 until 1826; and was a member of the Constitutional Convention of 1814 and Councillor from 1803 until 1818 with the exception of 1814; and a member of Congress from 1821 until 1823; assistant Judge of Windsor County Court from 1806 until 1814, and Chief Judge from 1815 until 1817. He once presented a petition to the Assembly for his own relief, in which petition was the expression, "for the relief of Elias Keyes, *which Elias I am.*"

DOCT. ASAPH FLETCHER was born in Westfield, Mass., June 28, 1746, and removed to Cavendish, Vt., in February 1787, and was elected representative of that town in 1790, 1792 and in 1820; he was delegate in the Constitutional Convention of 1791 and 1793; and elector of President and Vice-President in 1816; Assistant Judge of Windsor

County Court from 1801 until 1805; and Councillor from 1803 until 1808. He had several sons who have filled important and honorable positions: viz, Gen. Asaph Fletcher, Jr., was Sheriff of Windsor County from 1820 until 1830; Hon. Richard Fletcher of Boston, who was member of Congress from 1837 to 1839, and Judge of the Supreme Court of Mass. from 1848 to 1853; Doct. Alpheus Fletcher of Cavendish; Rev. Horace Fletcher of Townshend; and Ryland Fletcher of Cavendish, who was Lieut. Governor of Vermont in 1854 to 1856, and Governor from 1856 to 1858.

Samuel Shepardson served as a guide to the Vermont troops, who in 1784, under the command of Stephen R. Bradley, suppressed the disorder in Guilford and vicinity; he was Councillor from 1803 until 1808, and Register of Probate in 1806, and Elector of President and Vice-President in 1808.

Ebenezer Wheelock was one of the early settlers of Whiting, and he represented that town from 1790 until 1796, and in 1802, and from 1817 until 1821. He was Councillor in 1803 until 1808, and delegate in the Constitutional Convention of 1793.

Beriah Loomis represented Thetford from 1782 until 1790, and in 1817: he was Councillor from 1801 until 1814; Assistant Judge of Orange County Court from 1797 until 1818; a member of the Constitutional Convention of 1791.

Cornelius Lynde was born in Leicester, Mass., August 16, 1751, and served an apprenticeship in the clothier's trade until he was 21 years of age.

He entered and continued in Harvard College till the opening of the Revolutionary war, when he joined the army and served through the war and was a Lieutenant when discharged. He was one of the original grantees of Williamstown, Vt., and came to that town about 1785, and was employed by the proprietors to survey and allot the land. He was the first Town Clerk, elected in 1787, and held the office until 1797; was Town Representative from 1791 until 1794, and was elected for 1794, but was transferred to the Council, and held that office until 1799; was Judge of Orange County Court from 1793 until 1798; and a delegate in the Constitutional Convention of 1791. He and Elijah Paine labored for the establishment of the State University at Williamstown instead of at Burlington.

John White was born in Esopus, N. Y., and settled in the town of Arlington, Vt., prior to 1783, as in that year he was appointed Assistant Judge of Bennington County Court, he held that office till 1787, when he removed to Burlington with the intention of ultimately settling in the town of Georgia, but on October 22, 1787, he was appointed Assistant Judge of Chittenden County Court, and he held that office until 1796, except the year 1793. In 1796 he was appointed to the same office in Franklin County, and reappointed in 1797. He was elected Representative for Georgia to the Assembly in 1790, 1794 and 1800, but in 1794, he was elected a member of the Council and served in that body until 1798, and from 1801 until 1808, in all 11 years. He was a member

of the Council of Censors in 1792 and 1799, and of the Constitutional Convention in 1791 and 1793, and as Presidential Elector in 1808. He was a man of character and ability, making up for his want of education by habits of close observation and the practice of sound common sense.

Col. Elijah Robinson represented Weathersfield in the Assembly for 1782, 1783, and from 1792 until October 29, 1794, when he was appointed Councillor, which office he held until 1802; in 1783 he was a member of the Board of War, and in 1786, he served as Lieut. Colonel in suppressing the attempted insurrection in Windsor County; he was Judge of Windsor County Court from 1782 until 1787, and from 1788 to 1801, and Chief Judge in 1802, making 19 years of Judicial service; he was also member of the Council of Censors in 1785. In 1793, he was elected Brigadier General, but refused to accept the office. He died January 1809, at the age of 73 years universally lamented. He was one of the number, who in 1759, traversed the then wilderness from Charlestown, N. H., to Crown Point. At the commencement of the Revolution he repaired again to the tented field and contributed several years of personal services to the freedom and independence of the American States.

Truman Squier of Manchester was an Attorney. He was appointed on October 25, 1798, Judge of Probate for the District of Manchester to fill a vacancy occasioned by the declination of Luther Stone. He was also State's Attorney for Bennington County for the years of 1798 and 1799.

EBENEZER MARVIN was uncle of Stephen Royce, the late Chief Justice of the Supreme Court of Vt., and was born in Connecticut in April 1741; in his younger days he was a farmer, but later qualified himself for the medical profession, which he followed until 1794. He was a resident of Sharon, Conn., in 1766, but removed to Stillwater, N. Y., from thence to Lansingburgh, and from thence to Tinmouth, Vt. in 1781, and from Tinmouth to Franklin in 1794, where he died of paralysis in November 1820, in his 80th year. At the commencement of the Revolutionary war, he took an active part and contributed liberally of his means to the cause; he served as Captain of a company of volunteers who marched to the support of Ethan Allen and Benedict Arnold at Ticonderoga, but subsequently served as surgeon in the Continental service, and in that capacity was present at the battle with and the surrender of Burgoyne, in October 1777. He was Judge of Rutland County Court in 1786, and from 1788 to 1794, when he removed to Franklin; he was Judge of Chittenden County Court from 1794, until Franklin County was fully organized in 1796; and Judge of the Franklin County Court from 1796 until 1802, and again from 1808 until 1809. He represented Tinmouth in 1783, and from 1786 until October 1791, when he took his seat in the Council, which office he held until 1802. Though he was not educated for the bar, Chief Justice Royce said, that through his long experience as a Judge, and his powers of discrimination and judgment, he became what may be justly styled a great common sense law-

yer. Chief Justice Royce said of him, "In person he was august and impressive, being, at least, six feet in height, with broad shoulders, full chest and stout limbs, every way strong and muscular, and quite corpulent, and had a larger human head than is rarely, if ever, seen. In politics he was a Federalist of the Washington school, and in religious preference and profession an Episcopalian.

CHAPTER XIII.

BIOGRAPHICAL SKETCHES OF PIONEERS OF THE NEW HAMPSHIRE GRANTS AND VERMONT.—CONTINUED.

Col. TIMOTHY CHURCH of Brattleboro was quite a prominent adherent to New York in Cumberland County. He was among the 44 arrested by Ethan Allen and his *posse* in 1779, and was then tried, convicted and fined in the sum of twenty-five pounds. He was commissioned Lieut. Colonel by Gov. Clinton, for his service and resistance to Vermont authority; he was arrested, indicted, tried and convicted of treason against the State, banished and his property confiscated. On petition, he was pardoned by an Act of the General Assembly in Feb. 1783, the preamble of which Act, set "forth his sincere and hearty penitence and determination to behave orderly and submissive in case of pardon.

MAJ. JONATHAN HUNT in Nov. 1775, was recommended to New York as second Colonel of the lower regiment in Cumberland County, but he declined it. In 1777, he was Town Clerk of Hinsdale (now Vernon) and was a New York sympathizer. In 1780, he was one of the leading Yorkers who instituted measures for forming a new State comprising territory lying between the Mason line in

New Hampshire and the ridge of Green Mountains, and seemed to favor the interest of Vermont, for he accepted the office of sheriff of Windham County June 15, 1781, and represented Vernon in the General Assembly in 1783, and was elected Councillor from 1786 to 1794 inclusive; he was elected Lieut. Gov. October 10, 1794, in joint Assembly, and re-elected by the people in 1795; he was a member of the Vermont Convention of 1791, which adopted the United States Constitution, and died June 1, 1823, at the age of 85 years. Hon. Jonathan Hunt, M. C., from Vermont in 1827, was his son.

Ebenezer Walbridge was born in Norwich, Conn., Jan. 1, 1738, and came to Bennington about 1765. Previous to 1780, he had served in Canada as Lieut. in Warner's Green Mountain regiment, and Adjutant in the Battle of Bennington and in 1778, was made Lieut. Colonel of Vermont militia in 1780. He was one of those who was intrusted with the secret of Haldimand negotiations. In Dec. 1781, he commanded the forces of Vermont before whom the New York militia retreated, and later was elected Brigadier General; he represented Bennington in 1778 and 1780, and Councillor ten years from October 1786, to October 1796. He died October 3, 1819. His genealogy has been traced back to the Walbridges of Suffolk County, England. He was an enterprising business man and one of those who erected the first paper mill in Vermont in 1784.

Samuel Mattocks came from Hartford, Conn., to Tinmouth, Vt., in 1778, and represented that town from 1781 to 1785. In 1785, he was a mem-

ber of the Council, and in 1783 to 1788, and again in 1794, he was Assistant Judge of Rutland County Court, and elected Chief Judge in 1788; he was State Treasurer from 1786, until 1800, and a member of the Council of Censors in 1792. He was constantly in public office for twenty years.

NATHANIEL NILES was a clergyman of considerable note. He was born in South Kingston, R. I., April 3, 1741, and was a collegiate. He studied law, medicine, and theology, and settled in Fairlee (now West Fairlee) in 1779; he was also an inventor and succeeded in discovering a process of making wire from bar-iron by water power; he also invented and manufactured wool-cards. He was a poet and published the Ode entitled the American Hero, which was regarded as "one of the finest and most popular productions of the war" of the Revolution. It was set to music and sung in the churches and religious assemblies of New England and became the war song of the soldiers. From 1784, until 1815, he was constantly in the service of the public as Town Representative, State Councillor, member of the Council of Censors, delegate in Constitutional Conventions, member of Congress, and Judge of the Supreme Court.

THOMAS PORTER came to Tinmouth from Connecticut in 1779, and held several important offices; Representative of Tinmouth in the General Assembly, a member of the Council, Speaker of the House, Judge of Rutland County Court. His public service in Vermont embraced 17 years; he was a man of estimable character and good talents,

and died at Granville, N.Y., August 1833, at the age of 99 years.

Samuel Safford was born at Norwich Conn. April 14, 1737, and was one of the early settlers of Bennington, and actively engaged in the defence of the State through the long and bitter contest with New York. From 1775, to 1807, he was constantly employed in public service both civil and military. He held at different times the position of Major and Lieut. Colonel in Warner's regiment, and was in the battle of Hubbardton and Bennington; he was a delegate in most of the Conventions, and represented Bennington in General Assembly in 1781 and 1782; he was Councillor from 1782, to 1805, and 26 years Chief Judge of Bennington County Court. He was one of those who was cognizant of the Haldimand negotiation, but his patriotism was never questioned. He was a member of the Congregational church after 1804, till his death March 3, 1813.

Ebenezer Allen was born at Northampton, Mass., October 17, 1743, and was a descendant of Matthew Allen who came to New England in 1632, with Rev. Thomas Hooker of Chelmsford. He was appointed Lieutenant in Warner's regiment 1775, and Captain, Aug. 25, 1777. He was a member of the Board of War in 1779; and Maj. of Rangers and Colonel of Militia in 1780. He distinguished himself in the Battle of Bennington, and particularly so by a night attack with a party of men on Mount Defiance, and in its capture in September 1777, and in the capture of fifty of the rear guard of the enemy on their retreat from Ticonderoga at

that time. He was a brave and successful partisan leader. He settled in Poultney in 1777, and removed to Tinmouth and represented that town in the several Conventions in 1776 and 1777. He removed to South Hero in 1783, which town he represented four years in the General Assembly, and moved to Burlington in 1800, where he died March 26, 1806.

Asa Baldwin was the first Town Clerk of Dorset. He came from New York and was a strict Churchman and a Royalist. He with his brother Thomas and others were under arrest and dealt with by the Council of Safety, for their disloyal conduct but on the application of Captain Abraham Underhill, on their taking the oath of Fidelity to the United States of America and dispensing with the loss they had sustained to atone for their past folly, were accepted as friends and citizens.

Col. Timothy Bedel was Colonel of New Hampshire Rangers in the Canada Campaign of 1775, and had seen considerable military service. When the first union of New Hampshire towns with Vermont had been effected Bedel's regiment fell within the jurisdiction of Vermont, and a part of his regiment by vote of the General Assembly and the advice of the Council, were ordered sent to guard the frontiers on the West side of the mountain. He was one of the persons with whom Gen. Haldimand attempted to communicate in the spring 1782. The interview failed because Bedel said "he was watched." He was one of the Vermont Board of War in 1781.

Barnabas Barnum was one of the first settlers in Monkton. He was killed in the fight at the block-house in Shelburne March 12, 1778.

Gen. Gideon Brownson of Sunderland was Captain and served through the Revolutionary war, and promoted to the rank of Major in the Continental service, and afterwards General in the Vermont militia. He was a violent politician in the then late war; and as proof of his valiant conduct, J. A. Graham said that he, in 1797, carried in his body eighteen pieces of lead which he received during that contest.

Zadock Everest. His special buisness in 1778, was to look after inimical persons. He came from Connecticut into Addison in 1765, and opened the first public house in Addison County, but was forced to leave it at the time of Burgoyne's invasion in 1777, going to Pawlet and remaining there until 1784, when he returned to Addison. He represented Pawlet in the first General Assembly, March 1778; Panton in 1785; and Addison in 1788, 1789, and 1795.

John Hazeltine came to Townshend from Upton, Mass., in 1761, and was a prominent man in the town and county, and often called to preside in public meetings. His patriotism was of an ardent and energetic sort, and won for him the title of King Hazeltine. The Whigs esteemed him highly, and especially in selecting him as the person to whom bonds with security were given by sundry persons who had been arrested for participation in the Westminster Massacre. He was appointed a delegate from Cumberland County to the

Provincial Congress and the Convention of New York May 23, 1775.

PHINEAS HURD was a wealthy citizen of Arlington and was proscribed in the Act of Feb. 26, 1779; It is claimed he was abducted and never heard of afterwards, and burnt in a prison-ship near New York. This family was frequently abused by the Whigs, and his property confiscated by the State and offered for sale, but no one would buy it, and the General Assembly gave the use of the farm confiscated to his widow.

FRANCIS PFISTER was an officer in the Royal American Regiment in 1760. He commanded the Tories, as Colonel in the battle of Bennington, and was mortally wounded.

ABRAHAM UNDERHILL represented Dorset in the Conventions of July and September 1776, and was one of the nine persons appointed July 25, 1776, as a committee of Appeals in matters relative to the cause of American Liberty. He commanded a military company raised for the defence of the State. He was a member of the General Assembly in October 1778, 1780, 1781 and 1782, and died in 1796.

SAMUEL AVERY of Westminster was Deputy Sheriff in Windham County in October 1782, and in that capacity executed the sentence of banishment upon sundry violent Yorkers.

COL. NATHANIEL BRUSH came to Bennington about 1775; he commanded the militia of that town in the battle of Bennington, and served as Judge of Probate in 1781, and from 1787 to 1794, and as Clerk of the Courts from 1787 to 1803.

James Rogers came from Londonderry, New Hampshire, to Londonderry, Vermont, in the year 1770. He commenced the settlement of the latter town which had been granted to him by New York Feb. 13, 1770, under the name of Kent. He was commissioned by New York as Assistant Justice of the Inferior Court of common pleas and as Justice of the Peace in 1772, and once before that time. In 1775 he was counted a Whig, and at a Convention of twelve towns in Cumberland County, held Feb. 7th of that year, was appointed one of the Committees of correspondence for twenty-one towns. On May 31, 1775, New York tendered to him a commission as Brigadier General of the militia of Cumberland, Gloucester and Charlotte counties, which he refused on political principles. In September 1776, he was a delegate in the Dorset Convention, voted in favor of separating from New York, but afterwards he joined the King's troops. On October 3, 1777, the Council of Safety assumed the control of his property which was confiscated in 1778. In 1795 and 1797, James Rogers, Jr., petitioned the General Assembly for a restoration of his father's property, and all that had not been sold was restored to him.

The Peters Family. The history of the Rev. Hugh Peters was written and published by Samuel A. Peters, D. D., of Hebron, Connecticut, December 12, 1735. There was also a Rev. Samuel Peters, LL. D., who was born in said Hebron in 1717. Rev. Hugh Peters, the ancestor of Samuel Peters, and Samuel Andrew Peters, was convicted of treason in England, and executed October 16,

1660. Samuel Peters was once selected for the office of Bishop of the Protestant Episcopal church in Vermont, but was never consecrated. Samuel Andrew Peters, in his life of Hugh Peters, showed the relation between Rev. Doctors Samuel and Samuel Andrew Peters, thus: Samuel, L. L. D., son of John and Mary Peters, born in Hebron in 1717, was a Tory and went to England in 1774. Samuel Andrew Peters, A. M., barrister, son of Jonathan, and grandson of John and Mary, had Samuel Andrew Peters who was also a Tory, and also went to England in 1774; and that Rev. Dr. Samuel Peters: was uncle to Rev. Dr. Samuel Andrew Peters; the latter had strong attachment for Vermont, and notwithstanding he was both churchman and Tory, he highly esteemed many of its leading Whigs, whose lineage, like his own, he was proud to trace back to the stanch Whigs and Puritans of England. In the life of Hugh Peters he named several as follows: Gen. Absolom Peters married Mary Rogers, a descendant of Rev. John Rogers, the martyr, and she was mother of Rev. Absolom Peters of Bennington; Samuel Harrison of Pittsford, who served at the capture of Burgoyne and Cornwallis, was a descendant from General Thomas Harrison of Cromwell's time. Of Gov. Thomas Chittenden's lineage, he wrote, that Moses Chittenden, an officer in Cromwell's own regiment, a solid Puritan, was a brave soldier and left his spirit to a large number of his children;" Of Moses Robinson he wrote, "Moses Robinson, A. M., of Vermont, has been a Governor of that State, and a Senator in Congress; he is head of

the family of Robinsons, descendants of Rev. John Robinson, the father of the Puritans in England in 1629, in whom the Methodists and Puritans place confidence." He wrote to Andrew Peters of Bradford, Vermont, who had then recently left the service in the British navy, that "the reasons of your residing in Vermont, I doubt not, are the same which will induce all people in the Old World to go there." Samuel A. Peters, also wrote a history of Connecticut in which he made an ardent defence of Vermont against New York. The publication of the American edition of said history was in 1829. Some of the representations, in his Life of Hugh Peters and in his History of Connecticut have been strongly condemned as being exaggerations and work of the imagination, one of which was as to the waters of Connecticut River at Bellows Falls, Vt. He said, "Here water is consolidated without frost, by pressure, by swiftness between the pinching, sturdy rocks, to such a degree of induration that an iron crow floats smoothly down its current:—here iron, lead, and cork, have a common weight:—here steady as time, and harder than marble, the stream presses irresistable, if not swift as lightning:—the electric fire rends trees in pieces with no greater ease, than does this mighty water."

Abel Curtis of Norwich was three times elected a Representative in the General Assembly, served one term as Judge of Windsor County Court, and one term as Agent of Vermont at Congress. He was a kind husband and, an agreeable friend, a charitable, benevolent and honest, man, and in

every respect a very valuable member of the community. He died October 1, 1783, at the age of thirty years.

Col. Thomas Johnson. He was Lieut. Colonel of militia under New York, a resident of Newbury and a zealous patriot. On March 8, 1781, he was captured by a party of British and Indians and taken to Canada, where he was held as prisoner until October 5, 1781, when he was permitted to return to his home on parole. On May 30, 1782, writing from Newbury, he informed General Washington, there was an infernal plan of treachery with some leading men in Vermont to make Vermont a British Province. He professed to British officers in Canada, while there as a prisoner, to be on their side, and it was the exposure of his true character as a Whig that he feared.

Nathaniel Chipman, LL. D., was born at Salisbury, Conn., Nov. 15, 1752, and was graduated at Yale College, and during his senior year he was commissioned Lieutenant in the American army, and was on duty at Valley Forge in the winter 1777–8, and was present at the battle of Monmouth. He resigned his commission Oct. 10, 1778, and repaired to Litchfield, Conn., and was admitted to the bar in 1779. He removed to Tinmouth; Vermont, and there commenced the practice of the legal profession, and served as State's Attorney four years, and in 1786 was elected Judge of the Supreme Court, and was said to be the first lawyer who had been placed upon the Supreme bench in Vermont; in 1789, he was elected Chief Justice, which position he held for two years, and was

again elected Chief Justice in 1796. He was appointed one of the commissioners to adjust the differences between Vermont and New York. In 1791, he was a member of the Convention called to decide whether Vermont should join the Union, and appointed as a joint commissioner with Lewis R. Morris to attend Congress and negotiate for the admission of the State into the Union in 1791, and the same year he was appointed by George Washington, President, Judge of the United States Court for the district of Vermont. In 1793, he published a work entitled "Sketches of the Principles of Government," and a small volume of decisions of cases while he was Chief Justice, and embracing dissertations on the statute, adopting the common law of England, the statute of offsets on negotiable notes, and the statute of conveyances. He resigned his office of Judge of the said district Court in 1793. In 1796, he was appointed one of the committee to revise the code of statute laws for Vermont, and the revised laws of Vermont of 1797 were written by him. He was elected U. S. Senator to Congress in 1797; and in 1813 was chosen one of the Council of Censors, and was elected again Chief Justice of the State, and held the office for two years. He was professor of law in Middlebury college from 1816 to 1843. In 1833 he published a valuable treatise on "Free Institutions and the Principles of Government." He was a brother of Daniel Chipman, a prominent jurist. Daniel Chipman said that his brother, Nathaniel, wrote the expurgated copies of the letters that were presented to the Legislature at the session

held at Charleston in the East Union in October 1781, in place of the original letters written to Governor Chittenden by General Enos and Colonels Fletcher and Walbridge, containing some private matters, as well as public, in reference to the negotiations between certain leading Vermonters and General Haldimand, the contents of which, Governor Chittenden and others who were in the secret of that correspondence, desired to keep from the public. Chipman was influential in securing the passage of the betterment Act of 1785, that the people of the State have regarded just and equitable. He was a man of large intellectual capacity. He died at Middlebury, Vermont, Feb. 15, 1843.

Daniel Chipman, LL. D., who was born in Salisbury, Conn., October 22, 1765, was a brother of Nathaniel Chipman, and graduated at Dartmouth College in 1788, and died at Ripton, Vermont, April 23, 1850. He came to Tinmouth, Vt., with his father in 1775, and labored on a farm till 1783. He studied law with Nathaniel Chipman and was admitted to the bar and commenced the practice of his profession at Rutland. In 1794, he moved to Middlebury, where he spent the greater part of his professional life and became distinguished in his profession and in literature. He was admitted to the American Academy in 1812, and law professor in Middlebury College from 1806 to 1816. He was State's Attorney for Addison County in 1797, and until 1817, and a delegate in the Constitutional Convention for Rutland in 1793, Middlebury in 1814, and Ripton in 1836, 1843, and 1850. He was prompt, vigorous,

and eloquent in debate, and genial and communicative in conversation. He was the youngest of seven brothers. Governor Cornelius P. Van Ness, with the advice of the Council, appointed him to be Reporter of the decisions of the Supreme Court, November 17, 1824, for the then ensuing year; he was the first official reporter of the decisions and published a volume of the reports called the "Daniel Chipman Report." In 1822, he published a valuable "Essay on the Law of Contracts for the Payment of Specific Articles," and in 1846, a biography of Nathaniel Chipman, and in 1849, the Memoirs of Col. Seth Warner and Gov. Thomas Chittenden. His legislative service commenced in 1798, as Representative of Middlebury in the General Assembly, which office he held for eleven years ending in 1822, and was Speaker of the House in 1813 and 1814. He was elected Councillor in 1808, but served but one year. He served the State as Representative in Congress in 1815 to March 1817.

Gideon Olin was born in Rhode Island in 1743, and removed to Shaftsbury in 1776, and soon took a prominent part in public affairs. He was a delegate to the Convention at Windsor June 4, 1777; Commissioner of sequestration February 21, 1778; Major of the second regiment May 28, 1778, in which office he engaged in active service on several occasions during the Revolutionary war. He represented the town in the Assembly in 1778, and from 1780 until 1793, when he took his seat in the Council. He was Speaker of the House from 1778 until 1793; he was a member

again in 1799; Councillor from 1793 until 1798; Judge of Bennington County Court from 1781 to 1798, and again from 1800 to 1802, and Chief Judge from 1807 to 1811—in all 23 years as Judge. He was delegate in the Constitutional Conventions, 1791 and 1793, and member of Congress from 1803 to 1807. He was a firm supporter of the State in its hours of political darkness and peril; he possessed great natural talents and intuitive knowledge of mankind, and was nobly free in his opinions and decided in his conduct. The stand he took in Shays' rebellion showed his firmness and noble bearing. About 100 rebels from Massachusetts who fled from justice met at Captain Galusha's in Shaftsbury April 30, 1787, in Convention, to agree on measures in opposing the government of that State. The authorities of Shaftsbury became alarmed at the illegal collection and demanded of the insurgents the occasion of their meeting. The insurgents made answer through their leader, Col. Smith, "that they were driven from their Country, and had convened with a view of concerting measures whereby they might return and enjoy their properties." They showed two letters, one from Shays and one from another of their principles, encouraging them to hold out, and be spirited in their opposition, and they might be assured of relief. Judge Olin, who acted as principal on the part of the authorities, informed them, that if they were met for the purpose of petitioning the legal authorities of Massachusetts for pardon and leave to return, that their proceedings would be highly commendable

but if their views were hostile, and their business was to concert plans for committing depredations, and continuing their opposition to that government, they must disperse immediately, for no such unlawful assembling would be allowed in Vermont. The rebels plead for leave to be by themselves for a few minutes, which was granted, after which they dispersed and proceeded to White Creek, N. Y. Olin died at Shaftsbury in Jannary 1823. His record is a noble one.

Eliakim Spooner represented Westminster from 1793 until 1795; and Councillor from October 17, 1801, until 1808.

Benjamin Swan of Woodstock was elected State Treasurer, October 11, 1800; he was reelected annually by the people until 1833, having received a greater number of elections to a high office than any other citizen of the State. He was a pure, gentle, and genial man, trusted and beloved by all who knew him. And it was said of him, that as the stars have been said to go, "singing as they shine," so went he about his daily duties humming through them all, as one at perfect peace with God and man. On the settlement of his accounts with the State in October 1833, it was found that during the entire 33 years of his service, he had received $732.25 in counterfeit and uncurrent money, being an average of a little over $22 per annum, and by a joint resolution he was allowed that sum to balance the books of his office. His loss was not reckoned a large sum, in view of the fact, that for many years a very large propor-

tion of the bills and coin in circulation were counterfeit.

Enoch Woodbridge was in the Continental service in 1779, as Commissary of Issues. Soon after the close of the war he became a citizen of Vermont, residing at Vergennes, of which city he was the first Mayor. He was a member of the Assembly from 1791 until 1795, and again in 1802; a delegate in the Constitutional Convention of 1793; Judge of the Supreme Court from 1794 until 1801, and Chief Justice for three years of his service. He died May, 1805.

David Wing, Jr., was born in Rochester, Mass., June 24, 1766, came to Montpelier about 1790, and for twelve years served as Town Clerk, Town Representative, and Judge of the County Court, and then was elected to the Secretaryship and was reelected to that office annually until Sept. 13, 1806. By his capacity, integrity, and gentlemanly manners he became one of the most popular of the public men of the State; he was a Federalist in politics, but the Republican Legislature of that day retained him constantly in office—this was proof of his popularity.

Stephen Williams of Rutland entered upon the duties of a Councillor without any previous legislative experience, and held that office only one year, but he was a valuable officer of his town. The hospitality of his disposition towards strangers would alone be sufficient to endear him to all who knew him; but the same generous turn of mind led him to noble exertions of benevolence,—to cheer the broken-heart, to wipe the tears from the

pale cheek of poverty, and to bid the friendless widow and orphan look up and smile. These are the actions that crowned his days, and gave to his temper that sweet serenity which only goodness can bestow.

Doctor James Witherell was born in Mansfield, Mass., June 16, 1759; he descended from an English family who came to Massachusetts soon after the voyage of the Mayflower. When 16 years of age he volunteered to serve in the Revolutionary service, and continued in that service through the Revolutionary war, was engaged in many battles, once wounded, and received a commission in the 11th continental regiment of Massachusetts. When he was discharged he had seventy dollars in Continental money as the avails of eight years of military service. With this he treated a brother officer to a bowl of punch, and set out penniless to fight the battle of life. He prepared himself for the medical profession with Doct. Billings of Mansfield, Mass., and in 1789, commenced practice at Fairhaven. In 1790, he married Amy Hawkins, a lineal descendant of Roger Williams; he represented Fairhaven from 1798 until 1802, and was elected again in 1802, but left the House and served in the Council. He was Councillor in 1802, until 1807, when he was elected to Congress, but in 1808, before his Congressional term expired, he was appointed by President Jefferson, as one of the Judges of the Territory of Michigan, an office embracing a variety of legislative and executive duties as well as judicial, and to which Witherell added important military services in the war of

1812. On the fall of Detroit, he refused to surrender a corps which he commanded, but permitted his men to disperse, while he and his son-in-law, became prisoners. On being paroled, the three rejoined the family at Fairhaven, and there remained till they were exchanged. Judge Witherell then resumed his office in Michigan, and held it until he was permitted, by President John Quincy Adams, to exchange the judgeship for the office of Secretary of the Territory. He was Assistant Judge of Rutland County Court from 1801 to 1803, and Chief Justice from 1803 until 1806. He died at Detroit, Jan. 9, 1838, in his 79th year.

Judge Elijah Paine was born in Brooklyn, Conn., January 21, 1757. While fitting for College, he abandoned his studies to serve for several months in the army of the Revolution. He graduated at Harvard University in 1781, and after studying law for three years, he came to Vermont in 1784, and purchased a cultivated farm in Windsor, and afterwards, the same year he commenced the opening of a large farm in Williams. town, which soon became, and through his life remained, his homestead. Much of his time, talents and money from 1786, until his death in 1842, was given to his farm, manufactures, various public improvements, educational and benevolent institutions in which he was foremost in central Vermont. He was honored with the degree of Doctor of Laws by two universities, Harvard and the Vermont University, and he was a member of a number of several societies for the advancement of arts and sciences. On the sabbath he was a constant

attendant at public worship at the Church at East Williamstown four miles from his dwelling. He represented Williamstown in the General Assembly from 1787 until 1791; he was one of the Commissioners to settle the controversy with New York in 1789 and 1790; Delegate and Secretary in the Constitutional Convention of 1786; member of the Council of Censors in 1792; Judge of the Supreme Court from 1791 to 1793; United States Senator from 1795 until 1801, to which office he was reelected but declined it for the purpose of accepting from President Washington the office of Judge for the U. S. District of Vermont. This office he held from 1801, until a few weeks before his death, which occurred on April 28, 1842. He was a tall, well-proportioned gentleman, dressed in the style of President Washington, of a grave countenance and dignified bearing, scornful to none and affable to all. He married Sarah Porter, daughter of John Porter of Plymouth, N. H.; and had four sons and four daughters. All of the sons who reached middle age, were distuinguished for ability and usefulness. Martyn Paine, A. M., M. D., LL. D., and member of various societies in Europe and America, was born July 8, 1794, and made his residence in New York City. His reputation as the author of various medical books was high. In 1841 Martyn united with five other medical gentlemen in establishing the Medical Department of the University of New York, in which he was professor for a long time. ELIJAH, another son, was born April 10, 1796, who also made his residence in New York City,

and was author of law books, and from 1850, until his death, October 6, 1853, was a Judge of the Superior Court. CHARLES, was born April 15, 1799, was Governor of Vermont from 1841 to 1843, and greatly distinguished for his services in manufactures, railroads, and other public improvements, until his death, July 6, 1853. These three sons were all graduates of Harvard. GEORGE, the other son, was a graduate of Dartmouth, and a lawyer; he died Oetober 3, 1836, in the 29th year of his age.

Boast not these titles of your ancestors
Brave youths: they'r their possession, not your own:
When your own virtues equall'd have their names,
'Twill be but fair to lean upon their fames,
For they are strong supporters; but, till then,
The greatest are but growing gentlemen.

—*B. Johnson.*

CHAPTER XIV.

LIST OF TREASURERS, SECRETARIES OF STATE, AUDITORS OF ACCOUNTS, SPEAKERS OF THE HOUSE OF REPRESENTATIVES, CLERKS OF THE HOUSE AND LEGISLATIVE SESSIONS IN VERMONT, SINCE 1777.

TREASURERS.

Ira Allen.....1778-86
Samuel Mattocks..1786–1800
Benjamin Swan..1800-33
Augustine Clarke1833-37
Allen Wardner...1837-38
Henry F. James..1838-41
John Spaulding...1841-46
Elisha P. Jewett.1846-47
George Howes...1847-53
John A. Page.....1853-54
Henry M. Bates..1854-60
John B. Page.....1860-66
John A. Page.....1866-82
Willian H. DuBois...1882-90
Henry F. Field...1890-98
John L. Bacon.....1898—

SECRETARIES OF STATE.

Thomas Chandler, resigned 1778.
Joseph Fay.....1778-81
Micah Townshend.1781–88.
Roswell Hopkins...1788–1802.
David Wing, Jr...1802-06
Thomas Leverett...1806–13.
Josiah Dunham..1813-15
William Slade, Jr.1815-23
Norman Williams..1823–31.
Timothy Merrill.1831-36
Chauncey L. Knapp.....1836-41.
Alvah Sabin.....1841-42
James McM. Shafter.....1842-49.
Ferrand F. Merrill.1849–53.
Daniel P. Thompson.....1853-55.
Charles W. Willard.....1855-57.
Benjamin W. Dean.1857–61.
*George W. Bailey, Jr.....1861-65.
George Nichols...1865-84
Charles W. Porter..1884–90.
Chauncey W. Brownell....1890-98.
Fred A. Howland..1898–

*Died in office.

AUDITORS OF ACCOUNTS.

Office established in 1797.

Seth Storrs.....1797-1801
Benjamin Emmons, Jr.....1801-06.
Alexander Hutchinson....1806-13.
Job Lyman.....1813-15
Alexander Hutchinson....1815-17.
Wyllis Hall, Jr. ...1817-19
Norman Williams...1819-23.
David Pierce.....1823-44
Silas H. Hodges..1844-50
Fred E. Woodbridge.....1850-53.
William M. Pingry.1853–60.
*Jeptha Bradley..1860-64
*Dugald Stewart....1864–70.
Whitman G. Ferrin.1870–76.
Jedd P. Ladd.....1876-78
E. Henry Powell.1878-92
Franklin D. Hale.1892-98
Orion M. Barber....1898–

* Died in office.

HOUSE OF REPRESENTATIVES.

SPEAKERS.

*Joseph Bowker.....1778
*Nathan Clark.....1778
†Nathan Clark.....1778
‡Thomas Chandler, Jr.....1778.
‡Thomas Chandler, Jr.....1779.
*Thomas Chandler, Jr.....1780.
*Samuel Robinson...1780
‡Thomas Chandler, Jr.....1780.
‡Thomas Porter.....1780
Thomas Porter.....1781
‖Thomas Porter.....1782
†Thomas Porter.....1782
‡Thomas Porter.....1782
‡Increase Moseley...1782
§Increase Moseley...1783
Isaac Tichenor...1783-84
Nathaniel Niles...1784-85
Stephen R. Bradley.1785–86.
‡John Strong.....1786
‡Gideon Olin.....1786
§Gideon Olin.....1787
Gideon Olin.....1787-93
Daniel Buck.....1793-95
Lewis R. Morris.1795-97
Abel Spencer.....1797-98
Daniel Farrand..1798-99
Amos Marsh..1799-1802
Abel Spencer.....1802-03
Theophilus Harrington...1803-04.
Aaron Leland.....1804-08
Dudley Chase.....1808-13
Daniel Chipman.1813-15
William A. Griswold.....1815-18.
Richard Skinner.1818-19
William A. Griswold.....1819-20.
D. Azro A. Buck..1820-23
George E. Wales.1823-25
D. Azro A. Buck..1825-27
Robert B. Bates..1827-29
D. Azro A. Buck..1829-30
Robert B. Bates..1830-31
John Smith.....1831-34
Ebenezer N. Briggs.1834–36.
Carlos Coolidge.1836-37
Solomon Foot....1837-39
Carlos Coolidge.1839-42
Andrew Tracy....1842-45
Ebenezer N. Briggs.1845-47.
Solomon Foot....1847-48
William C. Kittredge.....1848-50.
Thomas E. Powers.1850-53.
Horatio Needham..1853–54.
George W. Grandey.1854-57.
George F. Edmunds.....1857-60.
Augustus P. Hunton.....1860-62.
J. Gregory Smith....1862-63.
Abraham B. Gardner.....1863-65.
John W. Stewart 1865-68

George W. Grandey ..... 1868-70.
Charles H. Joyce.....1870-72.
Franklin Fairbanks..... 1872-74.
aH. Henry Powers.1874-
Josiah Grout.....1874-76
John W. Stewart....1876-78.
James L. Martin 7878-84
James K. Batchelder..... 1884-86.
Josiah Grout.....1886-90
†Henry R. Start.....1890-
Hosea A. Mann, Jr..1890-92.
William W. Stickney..... 1892-96.
William A. Lord 1896-98
††Kittredge Haskins..... 1898-

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*March Session. †June Session. ‡October Session
‖January Session. §February Session.
a Resigned Nov. 24, 1874.

CLERKS.

‡Thomas Chandler..1778
‖Benjamin Baldwin.1778
Bezaleel Woodward..... 1778.
§Matthew Lyon.....1779
‖Matthew Lyon.....1779
¶Stephen R. Bradley.1779
¶Roswell Hopkins...1779
‡Roswell Hopkins...1780
Roswell Hopkins....1780-88.
Stephen Jacobs..1788-90
Lewis R. Morris.1790-91
William Eaton...1791-92
Richard Whitney....1792-98.
Samuel C. Crafts....1798-1800.
Nathan Osgood.1800-01
James Elliot.....1801-03
Anthony Haswell..1803-04.
Martin Post.....1804-09
William D. Smith...1809-22.
Timothy Merrill.1822-31
Charles Davis....1831-32
Robert Pierpoint....1832 34.
Edward D. Barber..1834-35.
Oramel H. Smith, *pro tem*, 1835-36.
Ahiman L. Miner....1836-38.
Ferrand F. Merrill.1838-49.

Chalon F. Davey....1849-53.
James M. Slade.....1853-56.
George R. Thompson.....1856-58.
Charles Cummings.1858-62.
Edward A. Stewart.....1862-64.
John H. Flagg....1864-69
David M. Camp..1869-76
George R. Chapman.....1876-78.
Henry N. Newell.1878-82
William W. Stickney.....1882-92.
John H. Merrifield..1892-96.
Fred A. Howland...1896-98.
Thomas C. Cheney..1898-

†Resigned November, 1890.
††Special Sessions. ‡March Sessions. ‖June Sessions.
§February Sessions. ¶October Sessions.

SECRETARIES OF THE SENATE.

Norman Williams 1836-40.
De Witt C. Clarke..1840-51.
Samuel M. Conant 1851–53.
Joseph H. Barrett..1853-55.
Clark H. Chapman 1855-59.
Carlisle J. Gleason 1859-61.
Henry Clark.....1861-72
Mason B. Carpenter.....1872-74.
Frederick W. Baldwin.....1874—80.
Chauncey W. Brownell, Jr.,.....1880--90
George M. Powers 1890-96.
Max L. Powell...1896-

LEGISLATIVE SESSIONS.

Table showing the Place of Meeting and the Length of the Sessions of the Legislature in each year since the organization of the State.

Year and place of meeting	Time of Meeting	Adjournment	Days in session
1778 Windsor	March 12	March 24	13
1778 Bennington	June 4	June 18	13
1778 Windsor	October 8	October 24	17
1779 Bennington	February 11	February 26	16
1779 Windsor	June 2	June 4	3
1779 Manchester	October 14	October 27	14
1780 Westminster	March 8	March 16	9
1780 Bennington	October 12	November 8	28
1781 Windsor	February 7	February 23	17
1781 Windsor	April 4	April 16	13
1781 Bennington	June 13	June 28	16
1781 Charlestown, now N. H.	October 11	October 27	17
1782 Bennington	January 31	February 28	29
1782 Windsor	June 13	June 21	9
1782 Manchester	October 10	October 24	15
1783 Windsor	February 13	February 27	15
1783 Westminster	October 9	October 24	16
1784 Bennington	February 19	March 9	20
1784 Rutland	October 14	October 29	16
1785 Norwich	June 2	June 18	17
1785 Windsor	October 13	October 27	15
1786 Rutland	October 12	October 31	20
1787 Bennington	February 15	March 10	24
1787 Newbury	October 11	October 27	17
1788 Manchester	October 9	October 25	17
1789 Westminster	October 8	October 29	22
1790 Castleton	October 14	October 28	15
1791 Bennington	January 10	January 27	18
1791 Windsor	October 13	November 3	22
1792 Rutland	October 11	November 7	28
1793 Windsor	October 10	November 4	26
1794 Rutland	October 9	October 30	22
1795 Windsor	October 8	October 27	20
1796 Rutland	October 13	November 8	27
1797 Rutland	February 4	March 10	35
1797 Windsor	October 12	November 10	30
1798 Vergennes	October 11	November 8	29
1799 Windsor	October 10	November 5	27

Year and place of meeting	Time of Meeting	Adjournment	Days in session
1800 Middlebury	October 9	November 7	30
1801 Newbury	October 8	November 6	30
1802 Burlington	October 14	November 12	30
1803 Westminster	October 13	November 14	33
1804 Windsor	January 26	February 6	12
1804 Rutland	October 11	November 9	30
1805 Danville	October 10	November 8	30
1806 Middlebury	October 7	November 11	34
1807 Woodstock	October 8	November 11	35
1808 Montpelier	October 13	November 11	30
1809 "	October 12	November 8	28
1810 "	October 11	November 5	26
1811 "	October 10	October 31	22
1812 "	October 8	November 9	33
1813 "	October 14	November 17	35
1814 "	October 13	November 11	30
1815 "	October 12	November 13	33
1816 "	October 10	November 6	28
1817 "	October 9	November 7	30
1818 "	October 8	November 12	36
1819 "	October 14	November 17	35
1820 "	October 12	November 16	26
1821 "	October 11	November 16	37
1822 "	October 10	November 13	35
1823 "	October 9	November 7	30
1824 "	October 14	November 19	37
1825 "	October 13	November 18	37
1826 "	October 12	November 16	36
1827 "	October 11	November 15	36
1828 "	October 9	October 31	23
1829 "	October 8	October 30	23
1830 "	October 14	November 11	29
1831 "	October 13	November 10	29
1832 "	October 11	November 9	30
1833 "	October 10	November 8	30
1834 "	October 9	November 7	30
1835 "	October 8	November 11	35
1836 "	October 13	November 17	36
1837 "	October 12	November 2	22
1838 "	October 11	November 6	27
1839 "	October 1	November 19	41
1840 "	October 8	October 29	22
1841 "	October 14	November 11	29
1842 "	October 13	November 14	33
1843 "	October 12	November 2	22
1844 "	October 10	October 31	22

Year and place of meeting	Time of Meeting	Adjournment	Days in session
1845 Montpelier	October 9	November 6	29
1846 "	October 8	November 2	26
1847 "	October 14	November 15	33
1848 "	October 12	November 13	33
1849 "	October 11	November 13	32
1850 "	October 10	November 14	36
1851 "	October 9	November 20	43
1852 "	October 14	November 24	42
1853 "	October 13	December 7	56
1854 "	October 12	November 16	26
1855 "	October 11	November 16	37
1856 "	October 9	November 19	42
1857* "	October 8	November 11	35
1858 "	October 14	November 26	44
1859 "	October 13	November 22	41
1860 "	October 11	November 27	48
1861* "	October 10	November 21	43
1862 "	October 9	December 3	56
1863 "	October 8	November 11	35
1864 "	October 13	November 23	42
1865* "	October 12	November 10	30
1866 "	October 11	November 20	41
1867* "	October 10	November 22	44
1868 "	October 8	November 20	44
1869 "	October 14	November 17	35
1870 "	October 5	November 23	50
1872 "	October 2	November 27	57
1874* "	October 7	November 25	50
1876 "	October 4	November 29	57
1878 "	October 2	November 27	57
1880* "	October 6	December 24	69
1882 "	October 4	November 29	57
1884 "	October 1	November 26	57
1886 "	October 6	November 24	50
1888 "	October 3	November 27	56
1890* "	October 1	November 25	56
1892 "	October 5	November 23	50
1894 "	October 3	November 28	57
1896* "	October 7	November 25	50

*There was an extra session convened Feb. 18, 1857, and continued ten days, for the purpose of taking measures to rebuild the State House, destroyed by fire; another April 23, 1861, and continued five days, to consider the duty of the State in relation to public affairs, consequent upon the rebellion; another March 9, 1865, continuing two days for the purpose of ratifying the proposed article of amendment to the Constitu-

tion of the United States, prohibiting slavery; another March 27, 1867, continuing three days, for the purpose of considering the wants of a portion of the State, in relation to necessary railroad communication; and another Jan. 13 1875, continuing four days, for the purpose of considering the wants of the State incident to the burning of the Vermont Reform School building. In 1880 the Legislature adjourned from Nov 19, to Dec. 1. Another extra session was convened Aug. 25. 1891, continuing three days, for the purpose of accepting direct tax refunded, to convey site for the public building in St. Albans, and to vote further appropriation for Columbian Exposition; another session was convened May 5, 1898, continuing three days, to provide funds for the equipment, subsistence, and transportation of Vermont troops; to provide State pay in addition to that of the United States; and to consider matters touching the organization of the Vermont National Guards.

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